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90

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PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 1778—Legis. 3-50-7, dated Bangalore, 31st August 1950.

Ordered that the accompanying Bills No. 40 to 46 published in the *Gazette of India*, Part II, Section 2, dated the 5th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

PART II—SECTION 2

BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 1st August 1950 :—

BILL NO. 10 OF 1950

A Bill to amend the Preventive Detention Act, 1950

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Preventive Detention (Amendment) Act, 1950.

2. *Amendment of section 3, Act IV of 1950.*—In section 3 of the Preventive Detention Act, 1950 (hereinafter referred to as the said Act),—

(*i*) in sub section (2), for the words "Any district magistrate or sub-divisional magistrate, or, in a presidency-town, the commissioner of Police, may," the following shall be substituted, namely :—

"Any of the following officers, namely :—

(*a*) district magistrates,

(*b*) additional district magistrates specially empowered in this behalf by the State Government,

(*c*) sub-divisional magistrates,

(*d*) in the presidency-towns, Commissioners of Police, and

(*e*) in the State of Hyderabad, Civil Administrators, may,";

(*ii*) in sub-section (3), for the words "by a district magistrate, sub-divisional Magistrate or Commissioner of Police," the words, brackets and figure "by an officer mentioned in sub-section (2)," shall be substituted.

3. *Omission of section 14, Act IV of 1950.*—Section 14 of the said Act shall be omitted.

4. *Repeal of Ordinance XIX of 1950.*—(1) The Preventive Detention (Amendment) Ordinance, 1950 (XIX of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

The Preventive Detention (Amendment) Ordinance, 1950 (XIX of 1950) was promulgated on the 23rd June, 1950. By this Ordinance, section 14 of the Preventive Detention Act (IV of 1950)—which had been declared by the Supreme Court to be *ultra vires* of the Constitution—was repealed. Two other minor amendments were made. The first conferred on additional district magistrates specially empowered in this behalf by State Governments the power to issue detention orders under section 3 of the Act. This was necessary as, in certain parts of the country, officers designated as additional district magistrates held independent charge of a district or part of a district and it was considered desirable that in such cases the only local officer with the authority to issue a detention order should not be the sub-divisional magistrate. The second amendment conferred the powers of ordering detention on Civil Administrators in the State of Hyderabad. The reason in this case was that, under the administrative structure that is in vogue in that State, law and order are the responsibility of the Civil Administrators, who, in this respect, correspond to district magistrates in all other States.

It is necessary now to convert the Ordinance into an Act since, under article 123(2) of the Constitution, the Ordinance will cease to be valid six weeks after the assembly of Parliament.

VALLABHBHAI PATEL.

NEW DELHI;
The 19th July, 1950.

92

BILL* No. 41 OF 1950

A Bill to provide for exempting from taxes on income a portion of the salaries of certain persons who have in the public interest volunteered to forego it.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950.

2. *Exemption from taxes on income in respect of salaries surrendered by certain persons.*—(1) Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), or in any other law for the time being in force relating to taxation on income, no income-tax or super-tax shall be payable by any person specified in sub-section (2) of this section in respect of that part of the salary due to him under law for any period after the 31st day of October, 1949, which that person has, by declaration in writing, volunteered to forego in the public interest; and that part of the salary shall not be included in his total income for the purposes of any law relating to taxation on income.

(2) The persons referred to in sub-section (1) are—

(*a*) the President of India;

(*b*) the Ministers, Ministers of State and Deputy Ministers of the Dominion or of the Union;

(*c*) the President of the Constituent Assembly of the Dominion;

(*d*) the Speaker and Deputy Speaker of the Dominion Legislature or of Parliament;

(*e*) the Judges of the Federal Court or of the Supreme Court;

(*f*) the Auditor-General of India or the Comptroller and Auditor-General of India;

(*g*) the Governors of Provinces or of Part A States;

(*h*) the Ministers and Deputy Ministers of States;

(*i*) the Speakers and Deputy Speakers of Legislative Assemblies of States;

(*j*) the Chairmen and Deputy Chairmen of the Legislative Councils of States;

(*k*) the Judges of the High Courts for Governors' Provinces or for Part A States.

3. *Repeal of Ordinance XV of 1950.*—The Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950 (XV of 1950) is hereby repealed.

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*The President has, in pursuance of clause (1) of Article 117 of the Constitution of India, recommended to Parliament the introduction of the Bill.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to replace by an Act the Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950 (Ordinance No. XV of 1950) which provided for exemption in respect of salary voluntarily foregone in the public interest by a person whose salary is fixed under law. But for this exemption such part of his salary would be chargeable to tax as salary due to him under the law.

C. D. DESHMUKH.

NEW DELHI;
The 12th July, 1950.

BILL* No. 42 OF 1950

A Bill to amend the Indian Finance Act, 1949 and the Finance Act, 1950

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Finance Laws (Amendment) Act, 1950.

2. *Amendment of Third Schedule, Act XIV of 1949.*—In the Indian Finance Act, 1949 (XVI of 1949), in sub-clauses (*a*) and (*b*) of clause (*i*) of the proviso to paragraph A of Part I of the Third Schedule, for the words "entitled to a share on partition", the words "entitled to claim partition" shall be substituted and shall be deemed always to have been substituted.

3. *Amendment of First Schedule, Act XXV of 1950.*—In the Finance Act, 1950 (XXV of 1950), in sub-clauses (*a*) and (*b*) of clause (*i*) of the proviso to paragraph A of Part I of the First Schedule, for the words "entitled to a share on partition", the words "entitled to claim partition" shall be substituted and shall be deemed always to have been substituted.

STATEMENT OF OBJECTS AND REASONS

For the purposes of assessment to income-tax, Hindu undivided family was being treated since 1939 just as an "individual". In 1949, the exemption limit was raised to Rs. 5,000 in the case of every Hindu undivided family which consisted of at least two adults coparceners or of at least two branches, the qualifying phrase used in the Finance Act, 1949, being "entitled to a share on partition". In the Finance Act, 1950, the exemption limit was raised from Rs. 5,000 to Rs. 7,200 subject to the satisfaction of the same conditions.

It has now been found that according to a literal interpretation of the wording employed in the Finance Acts, 1949 and 1950, the benefit of the higher exemption limit could be claimed by a family consisting of a husband, wife and minor son, since the wife, though she cannot claim partition, is, according to Hindu law, *entitled to a share on partition*, should partition take place at any time between the father and the minor son. It was never the intention that such a family should get the benefit of the higher exemption limit in any State. The Bill proposes to make an amendment with a view to remedying the defect in the wording of the Finance Acts, 1949 and 1950.

C. D. DESHMUKH.

NEW DELHI;
The 19th July, 1950.

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*The President has, in pursuance of clause (1) of Article 117 and clause (1) of Article 274 of the Constitution of India, recommended the introduction of the Bill.

BILL No. 43 OF 1950

A Bill to extend the Cantonments (House Accommodation) Act, 1923, and the Cantonments Act, 1924, to Part B States, to provide for elections to Cantonment Boards on the basis of adult suffrage and to provide for a temporary extension of the term of office of elected members of Cantonment Boards.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Cantonment Laws (Extension and Amendment) Act, 1950.

2. *Amendment of section 1, Act VI of 1923.*—In sub-section (2) of section 1 of the Cantonments (House Accommodation) Act, 1923, the words and letter "except Part B States" shall be omitted.

3. *Amendment of section 2, Act VI of 1923.*—To section 2 of the Cantonments (House Accommodation) Act, 1923, the following sub-section shall be added, namely :—

"(3) In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State."

4. *Amendment of section 1, Act II of 1924.*—In sub-section (2) of section 1 of the Cantonments Act, 1924 (hereinafter referred to as the said Act), the words and letter "except Part B States" shall be omitted.

5. *Insertion of new section 2A in Act II of 1924.*—After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. *Rule of construction.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State."

6. *Amendment of section 27, Act II of 1924.*—In section 27 of the said Act,—

(*i*) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette (hereinafter in this section referred to as 'the qualifying date'), is not less than twenty-one years of age and who has resided in the cantonment for a period of not less than twelve months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector.

Explanation.—When any place is declared a cantonment for the first time, or when any local area is first included in a cantonment, residence in the place or area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.";

(*ii*) in sub-section (2),—

(*a*) for the words "aforesaid date" the words "qualifying date" shall be substituted;

(*b*) clause (*ii*) shall be omitted.

7. *Amendment of section 29, Act II of 1924.*—Clause (*b*) of section 29 of the said Act shall be omitted.

8. *Amendment of section 31, Act II of 1924.*—Clause (*c*) of section 31 of the said Act shall be omitted.

9. *Extension of term of office of elected members of Cantonment Boards.*—Notwithstanding anything contained in section 15 of the said Act, the elected members of every Cantonment Board holding office immediately before the commencement of this Act shall continue to hold office up to the 30th day of November, 1950, or until the date of the notification of the election of their successors under sub-section (7) of section 13 of the said Act, whichever date is earlier.

10. *Repeal and savings.*—(1) The Cantonment Laws (Extension and Amendment) Ordinance, 1950 (XVIII of 1950) is hereby repealed.

(2) If immediately before the 19th day of June, 1950, there was in force in any of the Part B States any law corresponding to the Cantonments (House Accommodation) Act, 1923 (VI of 1923), or the Cantonments Act, 1924 (II of 1924), such corresponding law is hereby repealed.

(3) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Cantonments (House Accommodation) Act, 1923, or the Cantonments Act, 1924, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

Although, armed forces of the Union are stationed in cantonments within Part B States, the Cantonments Act, 1924 and the Cantonments (House Accommodation) Act, 1923 do not apply to those States, and this has given rise to serious administrative difficulties. It is, therefore, necessary to extend both the Acts to Part B States.

2. Elections to Cantonment Boards in Part A States and Part C States were last held between July and September, 1946 and were due to be held during the same period in 1949. As the preparation of electoral rolls for Cantonment Boards was linked with that of the electoral rolls for the State Legislatures and Parliament in the cantonment areas and as extensive changes in the latter rolls were expected in view of the introduction of adult franchise, it was decided to hold in abeyance the elections in cantonments for a period of one year.

3. The life of the existing Boards which was extended for a year will expire on various dates during the period between the 6th July and 30th September 1950. While the electoral rolls in respect of the State Legislatures and Parliament are not likely to be completed before that time and the life of the Boards cannot be extended by more than one year under the existing provisions (section 15) of the Cantonments Act, 1924, it has, therefore, become necessary to promote legislation for—

(*i*) the preparation of electoral rolls for all Cantonment Boards on the basis of adult franchise, independently of those for the State Legislatures and Parliament; and

(*ii*) the extension of the life of the existing Boards for a further short period until the next ordinary elections can be held on the basis of the new rolls.

4. Since the necessary legislation could not be introduced in the last session of Parliament, and in view of its urgency, an Ordinance, namely, the Cantonment Laws (Extension and Amendment) Ordinance, 1950 was promulgated on the 19th June, 1950.

5. The amendments made in the said Ordinance are of a permanent nature, except the provision for the extension of the term of the office of elected members of every Cantonment Board up to the end of November, 1950, or until the election of their successors is notified under sub-section (7) of section 13 of the Cantonments Act, 1924, whichever is earlier. It is, therefore, essential to replace the Ordinance by an Act in the next session of Parliament.

BALDEV SINGH.

NEW DELHI;
The 14th July, 1950.

BILL NO. 44 OF 1950

A Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Port Trusts and Ports (Amendment) Act, 1950.

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENT OF BOMBAY ACT VI OF 1879

2. *Amendment of section 3, Bombay Act VI of 1879.*—In section 3 of the Bombay Port Trust Act, 1879 (hereinafter in this Chapter referred to as the Bombay Act),—

(*a*) after clause (2), the following clause shall be inserted, namely:—

"(3) 'vessel' includes anything made for the conveyance principally by water of human beings or of property;"

(*b*) for clause (4), the following clause shall be substituted, namely :—

"(4) 'master' when used in relation to any vessel or to any aircraft making use of the port, means any person having for the time being the charge or control of such vessel or such aircraft, as the case may be, except a pilot, harbour master, berthing master, dock master or assistant harbour master of the port;";

(*c*) in clause (5), after the words "any vessel" the words "or any aircraft making use of the port" shall be inserted;

(*d*) for clause (12), the following clause shall be substituted, namely :—

"(12) the words 'public securities' mean—

(*a*) promissory notes, debentures, stock or other securities of the Central Government or of any State Government;

(*b*) debentures or other securities for money issued by, or on behalf of, any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India and includes the debentures or other securities issued by the Board under this Act."

3. *Insertion of new section 3A in Part I of Bombay Act VI of 1879.*—In Part I of the Bombay Act containing the heading "Preliminary", after section 3, the following section shall be inserted, namely :—

"3A. *Requirements as to publication of notifications, orders, etc., in the Official Gazette.*—Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Board or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall—

(*a*) where it is issued or made by the Board, be published in the Official Gazette of the State, and

(*b*) where it is issued or made by the Central Government, be published in the *Gazette of India*."

4. *Amendment of section 7, Bombay Act VI of 1879.*—In section 7 of the Bombay Act, for the words "nominee-trustees and the Chairman shall be appointed" the words "nominee-trustees other than those who are *ex-officio* trustees shall be appointed either by name or by virtue of office" shall be substituted.

5. *Repeal of section 8, Bombay Act VI of 1879.*—Section 8 of the Bombay Act is hereby repealed.

6. *Substitution of new sections for sections 9, 10 and 11, Bombay Act VI of 1879.*—For sections 9, 10 and 11 of the Bombay Act, the following sections shall be substituted, namely :—

"9. *Term of office of nominee and elective trustees.*—(1) Subject to the provisions of sections 11A, 13, 13A and 14A, a nominee-trustee appointed by name or an elective-trustee shall hold office for a term of two years commencing on the first of April next following the appointment or election, as the case may be, of such trustee.

(2) Subject to the provisions of section 11A, a nominee-trustee appointed by the Central Government by virtue of an office shall, until the

Central Government by notification in the Official Gazette otherwise directs, continue to be a trustee so long as he continues to hold that office.

10. *Filling of vacancies in the office of trustees.*—(1) Every vacancy in the office of a nominee-trustee appointed by name or of an elective-trustee caused by the expiration of the term of office of such trustee shall be filled by appointment or election, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a nominee-trustee appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such trustee or otherwise shall be filled by appointment within one month of the occurrence of such vacancy.

11. *The Chairman.*—The Chairman shall be appointed by the Central Government by notification in the Official Gazette and shall hold office during the pleasure of the Central Government.

11A. *Resignation of trustees.*—A nominee-trustee appointed by the Central Government, whether by name or by virtue of an office, or an elective-trustee may at any time resign his office by giving notice in writing to the Central Government, and on such resignation being accepted by that Government he shall cease to be a trustee, and his office shall thereupon become vacant."

7. *Amendment of section 13, Bombay Act VI of 1879.*—In section 13 of the Bombay Act,—

(*a*) in sub-section (1), for the words "a trustee other than the Chairman occasioned by the death, resignation or disqualification of such trustee", the following shall be substituted, namely :—

"a nominee-trustee appointed by name or of an elective-trustee, occasioned by the death or resignation of such trustee or by virtue of the provisions of section 14A";

(*b*) in sub-section (2),—

(*i*) for the words "a trustee", in the first place where they occur, the words "a nominee-trustee appointed by name or an elective-trustee" shall be substituted;

(*ii*) for the words "elected or appointed as aforesaid" the words "appointed or elected, as the case may be" shall be substituted;

(*iii*) for the words "a trustee", in the second place where they occur, the words "such a trustee" shall be substituted.

8. *Insertion of new section 13A in Bombay Act VI of 1879.*—After section 13 of the Bombay Act, the following section shall be inserted, namely :—

"13A. *Saving provision for appointment of nominee-trustees after the prescribed period.*—Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a nominee-trustee after the expiration of the period specified therefor in section 10 or section 13, as the case may be, if for any reason it has been possible for the Central Government to make the appointment within the said period :

Privided that where a nominee-trustee is appointed by name to fill any such vacancy as is referred to in section 10 after the expiration of the

period specified therefor in that section, the term of office of such trustee shall commence on the date on which his appointment is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment has been made within the period so specified."

9. *Amendment of section 14, Bombay Act VI of 1879.*—In section 14 of the Bombay Act.—

(1) in sub-section (1)—

(*a*) for the words "to be a trustee who" the words "to be a nominee-trustee appointed by name or to be an elective-trustee if he" shall be substituted;

(*b*) in clause (a), for the words "uncertificated bankrupt or" the word "undischarged" shall be substituted;

(*c*) in clause (*b*), after the words "reversed or quashed" the words "unless the Central Government has by order removed the disqualification" shall be inserted;

(*d*) to clause (*d*), the following shall be added, namely:—

"unless the Central Government has by order removed the disqualification";

(2) In clause (*f*) of sub-section (2), for the words "two thousand" the words "ten thousand" shall be substituted.

10. *Amendment of section 14A, Bombay Act VI of 1879.*—In section 14A of the Bombay Act, for the words "Any trustee" the words "Any nominee-trustee appointed by name or elective-trustee" shall be substituted.

11. *Amendment of section 14B, Bombay Act VI of 1879.*—In section 14B of the Bombay Act, for the words "A trustee" the words "Any nominee-trustee appointed by name or elective-trustee" shall be substituted.

12. *Substitution of new section for section 15, Bombay Act VI of 1879.*—For section 15 of the Bombay Act, the following section shall be substituted, namely:—

"15. (1) *Salary and allowances of the Chairman.*—The Central Government may, from time to time, determine the salary and allowances if any, to be paid to the Chairman, and may prescribe the conditions and restrictions subject to which such salary or allowances shall be payable.

(2) *Fees payable to trustees other than the Chairman.*—It shall be lawful for the Central Government to determine, from time to time, the fees, if any, to be paid to the trustees other than the Chairman or to any class of trustees *not* including the Chairman for attendance at meetings, and to prescribe the conditions and restrictions subject to which such fees shall be payable."

13. *Amendment of section 16, Bombay Act VI of 1879.*—In section 16 of the Bombay Act,—

(1) to sub-clause (*g*) of clause (2), the following shall be added, namely:—

"and the said minutes, excepting such portion thereof as the Chairman may in any particular case direct, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may, from time to time, be fixed by the Board;".

(2) in clause (3),—

(*a*) for the words "any Committee so formed", in the first place where they occur, the words "any Committee to which any such power has been so delegated" shall be substituted;

(*b*) for the words "any committee so formed", in the second place where they occur, the words "any such committee" shall be substituted.

14. *Insertion of new section 16A in Bombay Act VI of 1879.*—After section 16 of the Bombay Act, the following section shall be inserted, namely;—

"16A. *Power of Board to enter into contracts.*—The Board may enter into contracts for carrying into effect the purposes of this Act:

Provided that no contract, under or by virtue of which a sum greater than two lakhs of rupees may in any event be payable by the Board, shall be valid unless it has been made with the previous sanction of the Central Government."

15. *Amendment of section 17, Bombay Act VI of 1879.*—In section 17 of the Bombay Act, for the words "one thousand" the words "ten thousand" shall be substituted.

16. *Amendment of section 18, Bombay Act VI of 1879.*—To section 18 of the Bombay Act, the following proviso shall be added, namely:—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Board of a sum exceeding twenty-five thousand rupees."

17. *Amendment of section 20, Bombay Act VI of 1878.*—In section 20 of the Bombay Act,—

(1) for the words "The allowances, if any," the words "The leave salary and the allowances, if any," shall be substituted;

(2) after the words "The salary" the words "and the allowances, if any," shall be inserted.

18. *Insertion of new sections 20A and 20B in Part II of Bombay Act VI of 1879.*—In Part II of the Bombay Act containing the heading "Of the Board of Trustees", after section 20, the following sections shall be inserted, namely:—

"20A. *Pension for Chairman.*—It shall be lawful for the Central Government to fix the amount of pension, gratuity or compassionate allowance, if any, which shall be paid to the Chairman on his retirement from office and to determine the conditions under which the said pension, gratuity or compassionate allowance shall be so payable.

20B. *Permission to Chairman to join Provident Fund.*—Notwithstanding anything contained in this Act, it shall be lawful for the Central Government to permit the Chairman to join the provident fund established by the Board under clause (6) of section 22 for the benefit of the officers and servants of the Board and to determine the conditions and restrictions subject to which such permission may be given."

19. *Amendment of section 21, Bombay Act VI of 1879.*—In the proviso to section 21 of the Bombay Act,—

(1) in clause (*b*), the words "or who are engaged for a definite period exceeding six months" shall be omitted;

(2) the words, figures and brackets " of section 22, clauses (1) to (4) both inclusive, or " shall be omitted.

20. *Amendment of section 22, Bombay Act VI of 1879.*—In section 22 of the Bombay Act,—

(1) in clauses (5) and (6), the words " and the Chairman " shall be omitted ;

(2) for clauses (6A) and (6B), the following clause shall be substituted namely :—

" (6A) for authorising the payment of—

(*a*) *contributions to welfare fund*—contributions to any welfare fund or funds which may be established by the Board for the benefit of the officers and servants appointed under this Act;

(*b*) *contributions or appropriations to special funds*—contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act :

Provided that no such welfare fund or special fund shall be established without the previous sanction of the Central Government ; and the maximum rate of annual contribution to any such welfare fund or special fund and the maximum amount to which any such welfare fund or special fund may be allowed to accumulate shall be fixed from time to time by the Central Government ; " ;

(3) in clause (8),—

(*a*) the words " with the previous santion of the Central Government " shall be omitted ;

(*b*) after the words " widows or children " the words " or other surviving dependent relatives " shall be inserted ;

(4) after clause (8), the following clause shall be substituted namely :—

" (9) for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the officers and servants of the Board, their rigths and their privileges, not covered by any of the foregoing clauses." ;

Matters relating to terms and conditions of service not covered by other clauses.

(5) for the existing proviso at the end of this section, the following proviso shall be substituted, namely :—

" Provided that the regulations framed under this section shall not take effect unless and until they have been approved by the Central Government ".

21. *Amendment of section 22A, Bombay Act VI of 1879.*—In section 22A of the Bombay Act,—

(1) sub-sections (1) and (2) shall be omitted ;

(2) in sub-section (3), for the words " A Deputy Chairman so appointed " the words " Any person appointed to be the Deputy Chairman under this Act " shall be substituted.

102

22. *Substitution of new sections for section 23, Bombay Act VI of 1879.*—For section 23 of the Bombay Act, the following sections shall be substituted, namely :—

"23. *Appointments, etc., by whom to be made.*—(1) Subject to the provisions of the Schedule for the time being in force, sanctioned by the Board under section 21 and of the regulations and bye-laws made by the Board under sections 22 and 72 and also to the provisions of section 24, the power of appointing, promoting, granting leave to, suspending, finding, reducing or dismissing, or of disposing of any other question relating to the services of, the officers and servants of the Board including the power of dispensing with the services of any such officer or servant otherwise than by reason of such officer's or servant's own misconduct, shall be exercised, in the case of officers and servants whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman and in every other case, by the Board.

(2) The Chairman may upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the officers and servants of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make apointment to the post of Deputy Chairman or to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall, for the purposes of this section, be regarded as the head of a department.

23A. *Disposal of fines realised under section 23.*—Notwithstanding anything contained in section 49, all fines realised under section 23 shall be credited to any such welfare fund or funds as may be established by the Board for the benefit of the officers and servants appointed under this Act."

23. *Substitution of new section for section 24, Bombay Act VI of 1879.*—For section 24 of the Bombay Act, the following section shall be substituted, namely :—

"24. *Sanction of Central Government when necessary.*—(1) Every order made by the Board under section 21, section 22A or section 23, save where such order has been made in accordance with the regulations, for the time being in force, framed under section 22, shall, so far as the same relates to the Deputy Chairman or to any officer of the Board whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Board otherwise than on the basis of payment of monthly salary shall be deemed to be an officer whose maximum monthly salary exclusive of allowances is not less than one thousand rupees."

24. *Repeal of section 25, Bombay Act VI of 1879.*—Section 25 of the Bambay Act is hereby repealed.

25. *Amendment of section 26, Bombay Act VI of 1879.*—In the proviso to section 26 of the Bombay Act, for the words " fifty years " the words " thirty years " shall be substituted.

26. *Repeal of section 32, Bombay Act VI of 1879.*—Section 32 of the Bombay Act is hereby repealed.

27. *Amendment of section 39, Bombay Act VI of 1879.*—Clause (*iii*) of the proviso to section 39 of the Bombay Act shall be omitted.

28. *Amendment of section 41B, Bombay Act VI of 1879.*—Section 41B of the Bombay Act shall be re-numbered as sub-section (1) of that section ; and—

(*a*) in that sub-section as so re-numbered, for the word " value " the words " current market value " shall be substituted ; and

(*b*) after the said sub-section, the following sub-section shall be inserted, namely :—

"(2) If the cash and the current market value of the securities at the credit of the sinking fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of this excess and the Board may, with the previous sanction of the Central Government,—

(*a*) withdraw the whole or any part of the certified excess in the sinking fund, or

(*b*) reduce or discontinue the half-yearly contributions to the sinking fund prescribed by sub-section (1) of section 41A, or

(*c*) adopt a combination of these measures."

29. *Insertion of new sections 41D and 41E in Bombay Act VI of 1879.*—After section 41C of the Bombay Act, the following sections shall be inserted, namely :—

" 41D. *Power to repay loans before due date.*—The Board may with the previous sanction of the Central Government apply any sums, out of money which may come into their hands under the provisions of this Act and which can be so applied without prejudicing the security of other holders of debentures issued under this Act, in repaying to the Central Government any sum which may remain due to them in respect of the principal of any loan, although the time fixed for the repayment of the same may not have arrived :

Provided that no such repayment shall be made of any sum less than ten thousand rupees ; and that, if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

41E. *Loans to be raised in India and in Indian currency.*—Unless the Central Government by notification in the Official Gazette otherwise direct, all loans contracted by the Board shall be raised in India and in the Indian currency."

30. *Substitution of new sections for sections 42A to 42E, Bombay Act VI of 1879.*—For sections 42A, 42B, 42C, 42D and 42E of the Bombay Act, the following sections shall be substituted, namely :—

" 42A. *Right of survivors of joint or several payees of debentures and securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(*a*) when any debenture or security issued under provisions of this Act is payable to two or more persons jointly, and either or any of

them dies, the debenture or security shall be payable to the survivor or survivors of those persons, and

(*b*) when any such debenture or security is payable to two or more persons severally, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

(3) Nothing herein contained shall affect any claim which any representatives of a deceased person may have against the survivor or survivors under or in respect of any debenture or security to which sub-section (1) applies.

(4). For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913) or the Co-operative Societies Act, 1912 (II of 1912) or any other enactment for the time being in force whether in or outside India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

42B. *Power of one of two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.

42C. *Prohibition of indorsements elsewhere than on the debenture or security.*—Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the holder of any debenture or security issued under the provisions of this Act and transferable by indorsement shall not be said to indorse the debenture or security, or be called the indorser thereof, if, when he signs the same for purpose of negotiation, he subscribes his signature for that purpose elsewhere than on the back of the debenture or security itself.

42D. *Indorser of debenture or security not liable for amount thereof.*—Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not, by reason only of his having indorsed any debenture or security issued under the provisions of this Act, be liable to pay any money due, either as principal or as interest, thereunder.

42E. *Impression of signature on debentures and securities.*—(1) The signature of the person authorised to sign debentures or securities on behalf of the Board may be printed, engraved or lithographed, or impressed by such other mechanical process as the Board may direct, on the debentures or securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

42F. *Issue of duplicate debentures and securities.*—(1) When any debenture or security issued under the provisions of this Act is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board, and on producing proof to their satisfaction of the loss, theft or destruction and of the justice of the

claim and on payment of such fee, if any, as may be prescribed by rules made under section 42J, obtain from the Board an order for—

(*a*) the payment of interest in respect of the debenture or security said to be lost, stolen or destroyed pending the issue of a duplicate debenture or security, and

(*b*) the issue of a duplicate debenture or security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification as may be prescribed by rules made under section 42J of the loss, theft or destruction.

(3) A list of the debentures or securities in respect of which an order is passed under sub-section (1) shall be published in such manner as may be prescribed by such rules.

(4) If at any time before the Board become discharged under the provisions of this Act from liability in respect of any debenture or security the whole of which is alleged to have been lost, stolen or destroyed, such debenture or security is found, any order passed in respect thereof under this section shall be cancelled.

42G. *Issue of converted, etc., debentures and securities.*—(1) The Board may, subject to such conditions as may be prescribed by rules made under section 42J, on the application of a person claiming to be entitled to any debenture or security or debentures or securities issued under the provisions of this Act, on being satisfied of the justice of the claim and on delivery of the debenture or security or debentures or other securities receipted in the manner prescribed by such rules and on payment of such fees, if any, as may be so prescribed, convert, consolidate or sub-divide the debenture or security or debentures or securities, and issue to the applicant a new debenture or security or debentures or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a debenture or security or debentures or securities of the same or different classes or of the same or different loans.

42H. *Discharge in certain cases.*—Notwithstanding anything contained in section 10 of the Indian Limitation Act, 1908 (IX of 1908),—

(*i*) on payment of the amount due on any debenture or security issued under the provisions of this Act on or after the date on which payment becomes due, or

(*ii*) when a duplicate debenture or security has been issued under section 42F, or

(*iii*) when a new debenture or security or debentures or securities has or have been issued upon conversion, consolidation or sub-division under section 42-G,

the Board shall be discharged from all liability in respect of the debenture or security or debentures or securities so paid or in place of which a duplicate or new debenture or security or debentures or securities has or have been issued—

(*a*) in the case of payment—after the lapse of six years from the date on which payment was due;

(*b*) in the case of a duplicate debenture or security—after the lapse of six years from the date of the publication under sub-section (3)

of section 42F of the list in which the debenture or security is first mentioned, or from the date of the last payment of interest on the original debenture or security, whichever date is later;

(*c*) in the case of a new debenture or security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.

42I. *Issues of stock certificates.*—(1) The Board at its discretion at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of the Act, upon the application of the subscriber for, or holder of, any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures or securities relate, which shall be in such form as the Board, with the previous consent of the Central Government, shall from time to time determine, and all the provisions of section 41 as to the interest on debentures shall apply to the interest on the stock certificates.

(2) The Board shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

42J. *Board empowered to make rules.*—(1) The Board may from time to time make rules to prescribe—

(*a*) the amounts for which stock certificates may be issued;

(*b*) the fees to be levied in respect of the issue of stock certificates;

(*c*) the mode in which payment of interest in respect of all debentures, stock certificates and other securities issued under the provisions of this Act is to be made, recorded and acknowledged;

(*d*) the circumstances and the manner in which such debentures and securities may be renewed;

(*e*) the circumstances in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed;

(*f*) the fees to be levied in respect of the issue of renewed debentures or other securities;

(*g*) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock;

(*h*) the form in which debentures or other securities delivered for renewal, conversion, consolidation or sub-division are to be receipted;

(*i*) the proof to be produced by persons applying for duplicate debentures or other securities;

(*j*) the form and manner of publication of the notification mentioned in sub-section (2) of section 42F, the manner of publication of the list mentioned in sub-section (3) of that section, and the fees to be levied in respect of the issue of duplicate debentures or other securities;

(*k*) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied on any such issue;

(*l*) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures or other securities

alleged to have been wholly or partly lost, stolen or destroyed, or the issue of duplicate debentures or other securities;

(*m*) the conditions subject to which debentures and other securities issued under the provisions of this Act may be converted, consolidated or sub-divided, and the fees to be levied in respect of the conversion, consolidation and sub-division of such debentures or other securities;

(*n*) generally the measures to be adopted for carrying out the purposes of this Part.

(2) The Board may also, from time to time, vary, alter or revoke any such rules so made by them.

No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by the Central Government, and such approval shall have been published in the Bombay Government Gazette and no rule, or alteration or revocation of a rule, shall be approved by the Central Government until the same shall have been published for three weeks successively in the said Gazette.

It shall be lawful for the Central Government at any time by notification in the said Gazette to cancel any rule published under the provisions of this section.

42K. *Power of Board to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, it shall be lawful for the Board to borrow moneys by means of temporary overdraft or otherwise by pledging the debentures or other securities held by them in their reserve funds or on the security of their fixed deposits in their banks:

Provided that such temporary overdrafts or other loans—

(*a*) shall not at any time have a longer currency than six months, and

(*b*) shall not be taken without the previous sanction of the Central Government if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees:

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act.

42L. *Power of Board to raise loans under the Local Authorities Loans Act, 1914.*—Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914, (IX of 1914).

31. *Amendment of section 43, Bombay Act VI of 1879.*—In section 43 of the Bombay Act,—

(1) the word "and" at the end of clause (*b*) shall be omitted;

(2) to clause (*c*) the word "and" shall be added;

(3) after clause (*c*), the following clause shall be inserted, namely:—

"(*d*) for permission to make any other use of".

32. *Amendment of section 43A, Bombay Act VI of 1879.*—In section 43A of the Bombay Act,—

(1) in clause (*a*), for the word "dock" in the two places where it occurs, the words "wharf, dock or pier" shall be substituted;

(2) the word "and the end of clause (*b*) shall be omitted ;

(3) after clause (*c*), the following clauses shall be inserted, namely :—

"(*d*) for the loading, unloading, carting, sorting, weighing, stocking and repacking of goods ;

(*e*) for the towing of, and rendering assistance to, vessels within the port limits ; and

(*f*) for any other services in respect of vessels or goods excepting services for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)."

33. *Amendment of section 43B, Bombay Act VI of 1879.*—In section 43B of the Bombay Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

"*(1A) Power of Central Government to cancel scale of tolls, etc.*—It shall be competent for the Central Government at any time to cancel any of the scales framed under section 43 of section 43A, or to call upon the Board to modify any portion of such scales ; and thereupon the Board shall modify such scales accordingly.";

(2) in sub-section (2), after the words "in special cases," the words "for reasons to be recorded in writing" shall be inserted.

34. *Insertion of new section 43C in Bombay Act VI of 1879.*—After section 43B of the Bombay Act, the following section shall be inserted, namely :—

"43C. *Power to levy concessional rate of charges on coastal cargo.*—In framing scales under section 43 or section 43A, the Board may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—In this section, the expression "Indian port" means any port on the Indian coast situate between the north-westernmost part of Saurashtra and the south-easternmost part of West Bengal including any port in the foreign settlements."

35. *Repeal of sections 46 and 47, Bombay Act VI of 1879.*—Sections 46 and 47 of the Bombay Act are hereby repealed.

36. *Amendment of section 48, Bombay Act VI of 1879.*—In section 48 of the Bombay Act, for the figures "46" the figures "45" shall be substituted.

37. *Amendment of section 49, Bombay Act VI of 1879.*—In section 49 of the Bombay Act,—

(1) before the words, "The moneys credited to the general account shall be held by the Board in trust" the words, figures, brackets and letters "Subject to the provisions of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be inserted ;

(2) in paragraph (*b*) of sub-clause (*ii*) of clause (1), the words "and the Chairman" shall be omitted ;

(3) after clause (7) ending with the words "in the service of the Board", the following clauses shall be inserted, namely :—

"(8) the payment of such sums as may from time to time be agreed upon by the Central Government and the State Government or by the

Board and the State Government as a reasonable contribution on account of expenses in connection with the watch and ward functions of the harbour police and the police employed for guarding the docks, warehouses and other property of the Board;

(9) any other charge for the purposes of this Act or for which the Board may be legally liable.";

(4) the first proviso shall be omitted;

(5) in the second proviso the word "also" shall be omitted.

38. *Insertion of new section 49A in Bombay Act VI of 1879.*—After section 49 of the Bombay Act, the following section shall be inserted, namely:—

"49A. *Power to transfer moneys from the general account to the pilotage account and* vice versa.—The Board may, with the previous sanction of the Central Government, apply any sum out of the moneys credited to the general account of the port towards meeting deficits, if any, in the pilotage account of the port maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908), or transfer the whole or any part of any surplus funds in such pilotage account to the general account of the port."

39. *Repeal of section 50, Bombay Act VI of 1879.*—Section 50 of the Bombay Act is hereby repealed.

40. *Amendment of section 51, Bombay Act VI of 1879.*—In section 51 of the Bombay Act,—

(1) for the words "either the general or pilotage account", the words "the general account" shall be substituted;

(2) after the words "in public securities", the words "or in such other securities as the Central Government may approve in this behalf" shall be inserted;

(3) after the words "other public securities", the words "or in such other securities as the Central Government may approve in this behalf" shall be inserted;

(4) for the second and third paragraphs (including the proviso) commencing with the words "But the money so invested by the Board" and ending with the words "to which the balance invested belongs", the following shall be substituted:—

"*Limitation of the amounts to be so invested and disposal of the surplus.*—But the money so invested by the Board shall not exceed such amount, annually or in the aggregate, as may from time to time be prescribed by the Central Government, and any surplus remaining after deducting the amounts which may be so invested shall be applied in liquidation, on or before the 1st of August next following the 31st of March on which such surplus accrued, of the principal of any loan raised by the Board under section 39 or of the capital of any debt at any time due by the Board to the Government, or of the money due to the holders of the securities issued by the Board under section 30."

41. *Amendment of section 52, Bombay Act VI of 1879.*—In section 52 of the Bombay Act, for the words "the Board shall", the words "the Central Government shall" shall be substituted.

42. *Insertion of new section 55A in Bombay Act VI of 1879.*—After section 55 of the Bombay Act, the following section shall be inserted, namely :—

"55A. *Re-appropriation of amounts in estimate.*—Subject to any directions which the Central Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorised in an estimate for the time being in force, finally approved by the Central Government, and which has not been so spent, may at any time be re-appropriated by the Board to meet any excess in any other expenditure authorised in the said estimate :

Provided that no such re-appropriation shall be made from one major head of expenditure to another such head without the previous sanction of the Central Government."

43. *Substitution of new section for section 56, Bombay Act VI of 1879.*—For section 56 of the Bombay Act, the following section shall be substituted, namely :—

"56. *No expenditure above twenty thousand rupees to be incurred unless sanctioned in estimate.*—(1) Subject to the provisions of section 55A, no sum exceeding twenty thousand rupees shall, save in cases of pressing emergency, be expended by or on behalf of the Board unless such sum is included in some estimate at the time in force which has been finally approved by the Central Government.

(2) If any sum exceeding twenty thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Central Government together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure :".

44. *Insertion of new section 56A in Bombay Act VI of 1879.*—After section 56 of the Bombay Act, the following section shall be inserted, namely :—

"56A. *Capital expenditure.*—(1) No expenditure shall be charged by the Board to capital without the previous sanction of the Central Government.

(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent of the expenditure so sanctioned."

45. *Amendment of section 58, Bombay Act VI of 1879.*—In section 58 of the Bombay Act,—

(1) in the first paragraph, for the word "twice" the word "once" shall be substituted ;

(2) in the last paragraph, for the words "the auditors shall forward their report upon the accounts to the Board, who shall cause" the words "the auditors shall forward copies of their report upon the accounts to the Central Government and to the Board and the Board shall thereupon cause" shall be substituted.

46. *Insertion of new sections 58A and 58B in Bombay Act VI of 1879.*—After section 58 of the Bombay Act, the following sections shall be inserted, namely :—

"58A. *Board to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Board

shall forthwith take into consideration any defects or irregularities that may be pointed out by the Auditors in their report and shall pass such orders thereon as the Board may think fit and shall also send a report of the action taken by the Board to the Central Government.

(2) If there is a difference of opinion between the Board and the Auditors on any point included in the audit report and the Board feel unable to accept the recommendations, if any, made by the Auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Board shall be bound to give effect to such orders.

Submission of Accounts.

58B. *Submission of accounts to the Central Government.*—(1) The Board shall annually, or oftener if directed by the Central Government so to do, submit statements of their receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board."

47. *Amendment of section 64A, Bombay Act VI of 1879.*—In section 64A of the Bombay Act,—

(1) in sub-section (1), after the words "sent by post", the following shall be inserted, namely :—

"or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers";

(2) in the proviso to sub-section (1), for the words "served under this section" the words "so served or published under this sub-section" shall be substituted ;

(3) in sub-section (2), for the words, brackets and figure "If such owner or person is not known or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Board may at any time after the goods have become liable to be sold under sub-section (1)", the following shall be substituted, namely :—

"If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may at any time after the expiration of two months from the date on which such goods were placed in their custody".

48. *Amendment of section 68, Bombay Act VI of 1879.*—In section 68 of the Bombay Act,—

(1) in the proviso, for the words "two thousand" the words "ten thousand" shall be substituted ;

(2) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that where the estimated cost of any new work has been approved by the Central Government, no expenditure which exceeds by more than ten per cent. the estimated cost so approved shall be incurred by the Board without the previous approval of the Central Government."

49. *Insertion of new sections 68A, 68B and 68C in Bombay Act VI of 1879.*—After section 68 of the Bombay Act, the following sections shall be inserted, namely :—

"68A. *Power of Chairman as to execution of works.*—Notwithstanding anything contained in section 68, the Chairman may direct the execution of any work the cost of which does not exceed ten thousand rupees, and may enter into contracts for the execution of such works.

68B. *Power of Central Government to order survey or examination of works.*—The Central Government may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Board out of the moneys credited to the general account of the Board.

68C. *Power of Central Government to restore or complete works at the cost of Board.*—If at any time, the Board,—

(*a*) allow any work constructed by, or vested in, the Board under this Act to fall into disrepair, or

(*b*) do not, within a reasonable period, complete any work commenced by the Board, or included in any estimate approved by the Central Government, or

(*c*) do not, after due notice in writing, proceed to carry out effectually any work or repair which is necessary in the opinion of the Central Government for the purposes of this Act,

the Central Government may cause such work to be restored or completed or carried out, or such repair to be carried out, and the cost of any such restoration, completion, construction or repair shall be paid by the Board, and if the Board do not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in the Local Authorities Loans Act, 1914 (IX of 1914)."

50. *Amendment of section 72, Bombay Act VI of 1879.*—In section 72 of the Bombay Act, the words "and all fees for pilotage shall be paid to the Board" shall be omitted.

51. *Insertion of new section 72A in Bombay Act VI of 1879.*—After section 72 of the Bombay Act, the following shall be inserted, namely :—

Powers of the Board as Conservator, etc.

"72A. (1) All moneys received by the Board as the Conservator of the port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908) excluding all fees and all fines and penalties creditable to the pilotage account of the port under sub-section (*5a*) of that section shall be deemed to be a portion of the income of the Board and shall be included in their annual estimates and accounts.

Moneys received by the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.

(2) All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Board as such Conservator or body, not being works the cost of which is chargeable to the pilotage account of the port under sub-section (*5b*) of section 36 of the Indian Ports Act, 1908, and also to the sanction of such works, the estimates therefor and the expenditure thereunder."

Powers, etc., of the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.

52. *Amendment of section 73, Bombay Act VI of 1879.*—In section 73 of the Bombay Act,—

(*a*) at the end of clause (*g*), the word "and" shall be omitted;

(*b*) clause (*h*) shall be omitted.

53. *Amendment of section 74, Bombay Act VI of 1879.*—In section 74 of the Bombay Act, for the words "for three weeks successively in the said Gazette" the words "once in the said Gazette and also in three successive issues of at least two of the principal local daily newspapers" shall be substituted.

54. *Substitution of new section for section 79, Bombay Act VI of 1879.*—For section 79 of the Bombay Act, the following section shall be substituted, namely :—

"79. *Persons employed under this Act to be public servants for certain purposes.*—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code."

55. *Amendment of section 82, Bombay Act, VI of 1879.*—In section 82 of the Bombay Act,—

(1) for the words "weight or quantity of such goods, or the tonnage of any vessel carrying such goods has been understated", the following shall be substituted, namely :—

"weight, quantity, value or description of such goods or the tonnage of any vessel carrying such goods has been understated or incorrectly given";

(2) for the words "weight or quantity of goods or amount of tonnage so understated as may be determined by the Board, and the said sum shall on the application of the Board", the following shall be substituted, namely :—

"entire weight, quantity or value of the consignment of goods so understated or incorrectly described or on the amount of tonnage so understated as may be determined by the Board or when any officer of the Board has, subject to such conditions as may be laid down by the Board, been generally or specially authorised by the Board in this behalf, by such officer, and the said sum shall on application by or on behalf of the Board".

56. *Insertion of new section 86A in Bombay Act VI of 1879.*—After section 86 of the Bombay Act, the following section shall be inserted, namely :—

"86A. *Application of certain provisions of the Act to aircraft.*—The provisions of sections 43, 43A, 45, 66, 67, 68, 73, 83, 84 and 87 shall apply in relation to all aircraft making use of the port while on water as they apply in relation to vessels."

57. *Amendment of section 87, Bombay Act VI of 1879.*—In the second paragraph of section 87 of the Bombay Act, after the words "appointed under this Act" the words "or of any person acting under the authority or direction of, or in subordination to, any such officer or servant" shall be inserted.

58. *Addition of new sections 88, 89 and 90 to Bombay Act VI of 1879.*—After section 87 of the Bombay Act, the following sections shall be inserted, namely :—

"88. *Power to evict certain persons from the premises of the Board.*—(1) Notwithstanding anything contained in any other law, if the Board in exercise of the powers conferred on it by rules made under this Act cancels the allotment of any premises made to any officer or servant of the Board, the Board may, by notice in writing, order such allottee or any other person who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to the Board or a person appointed by the Board in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(*i*) the gardens, grounds and outhouses, if any, appertaining to such building or part of a building;

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof; and

(*iii*) any furniture, books or other things belonging to the Board and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Board, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(*a*) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises, or

(*b*) by affixing it on the outer door or some other conspicuous part of the premises, or

(*c*) by post.

89. *Annual administration report of the port.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Board shall submit to the Central Government a detailed report of the administration of the port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct.

90. *Power to supersede the Board.*—(1) If, at any time, it appears to the Central Government that the Board are unable to perform, or have persistently made default in the performance of, the duties imposed on them by or under the provisions of this Act or of any other law, or have exceeded or abused their powers, or that any orders or directions lawfully made or given by the Central Government have not been or are not likely to be carried out by the Board, the Central Government may, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable time to the Board to show

cause why the Board should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board the following consequences shall ensue:—

(*a*) all the trustees shall, as from the date of supersession, vacate their offices as such trustees;

(*b*) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Board, shall, until the Board is reconstituted under clause (*b*) or clause (*c*) sub-section (3), be exercised and performed by such person or persons as the Central Government may direct;

(*c*) all property vested in the Board shall, until the Board is reconstituted under clause (*b*) or clause (*c*) of sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(*a*) extend the period of supersession for such further term as they may consider necessary; or

(*b*) reconstitute the Board by fresh appointment and fresh election, and in such case any persons who vacated their offices under clause (*a*) of sub-section (2) shall not be deemed disqualified for appointment or election, as the case may be; or

(*c*) by notification in the Official Gazette direct that the Board shall be reconstituted by the persons who vacated their offices under clause (*a*) of sub-section (2) and shall recommence functioning as if the Board had not been superseded:

Provided that the Central Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (*b*) or clause (*c*) of this sub-section."

CHAPTER III

Amendment of Bengal Act III of 1890

59. *Amendment of section 3, Bengal Act III of 1890.*—In section 3 of the Calcutta Port Act, 1890 (hereinafter in this Chapter referred to as the Calcutta Act),—

(*a*) in cluase (1), for the words "of the Port" the words "for the Port" shall be substituted;

(*b*) in clause (6)—

(*i*) after the words "any vessel" the words "or any aircraft making using of the port" shall be inserted;

(*ii*) after the words "assistant harbour master", the words "of the port" shall be inserted;

(*iii*) the words "or such aircraft, as the case may be" shall be added at the end;

(c) after clause (8), the following clauses shall be inserted, namely :—

"(8a) 'Port approaches' shall mean those parts of the navigable rivers and channels leading to the port in which the Indian Ports Act, 1908 (XV of 1908) is in force;

(8b) 'public securities' shall mean—

(*a*) a promissory notes, debentures, stock or other securities of the Central Government or of any State Government;

(*b*) debentures or other securities for money issued by, or on behalf of, any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India, and includes the debentures or other securities issued by the Commissioners under this Act."

60. *Insertion of new section 3A in Chapter I of Bengal Act III of 1890.*—In Chapter I of the Calcutta Act, after section 3, the following section shall be inserted, namely :—

"3A. *Requirements as to publication of notifications, orders, etc., in the Official Gazette.*—Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Commissioners or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall—

(*a*) where it is issued or made by the Commissioners, be published in the Official Gazette of the State, and

(*b*) where it is issued or made by the Central Government, be published in the *Gazette of India*."

61. *Amendment of section 6, Bengal Act III of 1890.*—After sub-section (2) of section 6 of the Calcutta Act, the following sub-section shall be inserted, namely :—

"(3) All the Commissioners other than those who are *ex-officio* Commissioners or elected Commissioners shall be appointed either by name or by virtue of office by the Central Government by notification in the Official Gazette."

62. *Amendment of section 8, Bengal Act III of 1890.*—In section 8 of the Calcutta Act,—

(1) in sub-section (1), the words "after consultation with the Commissioners" shall be omitted;

(2) sub-section (2) shall be omitted.

63. *Amendment of section 9, Bengal Act III of 1890.*—In section 9 of the Calcutta Act,—

(*a*) in sub-section (1), the words "he resigns or" shall be omitted;

(*b*) sub-section (2) shall be omitted.

64. *Substitution of new section for section 10, Bengal Act III of 1890.*—For section 10 of the Calcutta Act, the following section shall be substituted, namely :—

"10. *Term of office of Commissioners.*—(1) Subject to the provisions hereinafter contained, every person appointed by name or elected to be a Commissioner shall hold the office to which he shall be appointed or

elected for a term of two years commencing on the first day of April next following his appointment or election, as the case may be, but may, at the expiration of such term, be re-appointed or re-elected.

(2) Subject to the provisions of section 10A, every person appointed by the Central Government to be a Commissioner by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise directs, continue to be a Commissioner so long as he continues to hold that office.

(3) The term of office of every Commissioner appointed by name or elected as such and holding office on the first day of April next following the commencement of the Port Trusts and Ports (Amendment) Act, 1950, shall be deemed to have expired on that day."

65. *Insertion of new section 10A in Bengal Act III of 1890.*—After section 10 of the Calcutta Act, the following section shall be inserted, namely :—

"10A. *Resignation of Commissioners.*—A Commissioner appointed by the Central Government whether by name or virtue of an office or an elected Commissioner may at any time resign his office by giving notice in writing to the Central Government, and on such resignation being accepted by that Government he shall cease to be a Commissioner, and his office shall thereupon become vacant."

66. *Amendment of section 11, Bengal Act III of 1890.*—In section 11 of the Calcutta Act,—

(1) in sub-section (1), for the words "allowances as may" the words "allowances, if any, as may, from time to time," shall be substituted;

(2) sub-section (2) shall be omitted;

(3) in sub-section (3), after the words "Deputy Chairman" the words "or to any class of Commissioners not including the Chairman or the Deputy Chairman" shall be inserted.

67. *Amendment of section 13, Bengal Act III of 1890.*—In sub-section (1) of section 13 of the Calcutta Act,—

(1) for the words "leave allowance" the words "leave salary and allowances, if any" shall be substituted;

(2) after the words "the salary" the words "and allowances, if any," shall be inserted.

68. *Amendment of section 13A, Bengal Act III of 1890.*—In section 13A of the Calcutta Act, the words "on application made to it by the Commissioners in that behalf" shall be omitted.

69. *Insertion of new section 13B in Bengal Act III of 1890.*—After section 13A of the Calcutta Act, the following section shall be inserted, namely :—

"13B. *Permission to Chairman to join provident fund.*—Notwithstanding anything contained in this Act, it shall be lawful for the Central Government to permit the Chairman to join the provident fund established by the Commissioners under section 30A for the benefit of their officers and servants and to determine the conditions and restrictions upon and under which such permission may be given."

70. *substitution of new section for section 14, Bengal Act III of 1890.*— For section 14 of the Calcutta Act the following section shall be substituted, namely :—

"14. *Filling of vacancies in the office of Commissioners.*—(1) Every vacancy in the office of an elected Commissioner or of a Commissioner appointed by name caused by the expiration of the term of office of such Commissioner shall be filled by election or appointment, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a Commissioner appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such Commissioner or otherwise shall be filled by appointment within one month of the occurrence of such vacancy."

71. *Amendment of section 15, Bengal Act III of 1890.*—In section 15 of the Calcutta Act,—

(1) in sub-section (1)—

(*a*) for the words "elected Commissioners" the words "elected or appointed Commissioner" shall be substituted;

(*b*) after the word "election" the words "or appointment, as the case may be," shall be inserted;

(2) in sub-section (2), after the word "elected" the words "or appointed" shall be inserted;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Nothing in this section shall prevent a person being elected or appointed as a Commissioner for a period shorter than three months in the place of an absent Commissioner, on the application of the Commissioners in meeting if the absentee is an elected Commissioner, or at the discretion of the Central Government if he is a Commissioner appointed by the Central Government."

72. *Substitution of new section for section 16, Bengal Act III of 1890.*— For section 16 of the Calcutta Act, the following section shall be substituted, namely :—

"16. *Filling of casual vacancies.*—Any casual vacancy in the office of an elected Commissioner or of a Commissioner appointed by name caused by the death or resignation of such Commissioner or by virtue of the provisions of sub-section (2) of section 17, shall be filled within one month by election or appointment, as the case may be, in the manner hereinbefore provided:

Provided that the Commissioner so elected or appointed shall retain his office so long only as the vacating Commissioner would have retained the same if such vacancy had not occurred."

73. *Insertion of new section 16A in Bengal Act III of 1890.*—After section 16 of the Calcutta Act, the following section shall be inserted, namely :—

"16A. *Saving provision for appointment of Commissioners after the prescribed period.*—Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a Commissioner appointed by the Central Government either by name or by virtue of an office after the expiration of the period

specified therefor in section 14 or section 16, as the case may be, if for any reason it has not been possible for the Central Government to make the appointment within the said period :

Provided that where a Commissioner is appointed by name to fill any such vacancy as is referred to in section 14 after the expiration of the period specified therefor in that section, the term of office of such Commissioner shall commence on the date on which his appointment is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment had been made within the period so specified."

74. *Substitution of new sections for section 17, Bengal Act III of 1890.*— For section 17 of the Calcutta Act, the following sections shall be substituted, namely :—

"17. *Disqualification of Commissioners.*—(1) A person shall be disqualified to be an elected Commissioner or to be a Commissioner appointed by name, if he—

(*a*) is an undischarged insolvent, or

(*b*) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed, unless the Central Government has by order removed the disqualification.

(2) Every person other than an *ex-officio* Commissioner or a Commissioner appointed by the Central Government by virtue of an office,—

(*a*) who, at any time after he becomes a Commissioner, shall be absent from six consecutive meetings without having the permission in that behalf of the Commissioners or who having such permission shall be absent from the meetings for a period exceeding one year ; or

(*b*) who shall, at any time after he becomes a Commissioner, accept or agree to accept any office or place of profit under this Act ; or

(*c*) who shall, save with the sanction of the Central Government participate or agree to participate in the profits of any work done by order of the Commissioners or be concerned or participate in the profits or any contract entered into with the Commissioners ; or

(*d*) who becomes disqualified for any of the reasons mentioned in sub-section (1) ; or

(*e*) who acts in contravention of the provisions of section 17A ; shall thenceforth cease to be a Commissioner and his office shall thereupon become vacant :

Provided that no such Commissioner shall vacate his office by reason only of his being a shareholder in any registered joint stock company with which the Commissioners may enter into any contract or by reason of his being interested in any loan of money to the Commissioners :

Provided further that no such Commissioners shall vacate his office by reason of his being interested in any purchase or lease of land or premises the sale or lease of which the Commissioners may determine on at a meeting under the provisions of this Act, or of his being interested in

any agreement under which facilities may be granted for the landing or shipment of goods in return for stipulated income guaranteed to the Commissioners in consideration of their undertaking to construct or provide such facilities.

17A. *Restriction on power of Commissioners to vote or discuss matters in which they are interested.*—An elected Commissioner or a Commissioner appointed by name shall not vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Commissioners or of any committee of their number, if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested either professionally on behalf of a client or as agent for any person other than the Central Government, a local authority or a railway company."

75. *Amendment of section 19, Bengal Act III of 1890.*—In section 19 of the Calcutta Act, the words "sum of five and a half lakhs set apart by the Commissioners under this Act" the words "public securities or in such other further" shall be omitted.

76. *Amendment of section 24, Bengal Act III of 1890.*—In sub-section (3) of section 24 of the Calcutta Act, for the words "the promissory notes and other securities of the Central Government or in the debentures issued by the Commissioners under this Act" the words "public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted.

77. *Amendment of section 24A, Bengal Act III of 1890.*—In section 24A of the Calcutta Act, for the words "current value," wherever they occur, the words "current market value" shall be substituted.

78. *Amendment of section 24B, Bengal Act III of 1890.*—In sub-section (2) of section 24B of the Calcutta Act, for the words "the promissory notes and other securities of the Central Government or in the debentures issued by the Commissioners under this Act" the words "public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted.

79. *Amendment of section 24C, Bengal Act III of 1890.*—To section 24C of the Calcutta Act, the following sub-section shall be added, namely :—

"(4) All debentures or securities of the Commissioners heretofore purchased by, issued, transferred or assigned to, or indorsed into the names of the Commissioners or any person on their behalf, and all debentures and securities heretofore issued by way of renewal, consolidation or sub-division of any such debentures or securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned, or indorsed to, any other person."

80. *Amendment of section 27, Bengal Act III of 1890.*—In section 27 of the Calcutta Act,—

(*a*) for the words "It shall be lawful for the Commissioners in meeting, if they think fit" the words "The Commissioners in meeting may, with the previous sanction of the Central Government, apply any sums" shall be substituted ;

(*b*) for the words "to repay" the words "in repaying" shall be substituted.

81. *Addition of new sections 27A to 27L in Chapter III of the Bengal Act III of 1890.*—In chapter III of the Calcutta Act, after section 27, the following sections shall be inserted, namely :—

"27A. *Right of survivors of joint or several payees of debentures or securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(*a*) when any debenture or security issued by the Commissioners under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons, and

(*b*) when any such debenture or security is payable to two or more persons severally, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons or to the representatives of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

(3) Nothing herein contained shall affect any claim which any reresentative of a deceased person may have against the survivor or survivors under or in respect of any debenture or security to which subsection (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913), or the Co-operative Societies Act, 1912 (II of 1912), or any other enactment for the time being in force whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

27B. *Power of one of two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any debenture or security issued by the Commissioners under this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Commissioners by any other of the holders.

27C. *Indorsements to be made on debenture or security itself.*—Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), no indorsement of a debenture or security issued by the Commissioners under this Act and transferable by indorsement shall be valid unless made by the signature of the holder inscribed on the back of the debenture or the security itself.

27D. *Indorser of debentures or securities not liable for amount thereof.*—Nothwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not by reason only of his having indorsed any debenture or security issued by the Commissioners under this Act be liable to pay any money due either as principal or as interest thereunder.

27E. *Impression of signature on debentures and securities.*—(1) The signature of the person authorised to sign debentures or securities on behalf of the Commissioners may be printed, engraved or lithographed or impressed by such other mechanical process as the Commissioners in meeting may direct, on the debentures or securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

27F. *Issue of duplicate debentures and securities.*—(1) When any debenture or security issued by the Commissioners under this Act is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom, but for the loss, theft or destruction it would be payable, he may, on application to the Commissioners and on producing proof to their satisfaction of the loss, theft or destruction and of the justice of the claim and on payment of such fee, if any, as may be prescribed by rules made under section 27I, obtain from the Commissioners an order for—

(*a*) the payment of interest in respect of the debenture or security said to be lost, stolen or destroyed pending the issue of a duplicate debenture or security, and

(*b*) the issue of a duplicate debenture or security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification as may be prescribed by rules under section 27I of the loss, theft or destruction.

(3) A list of the debentures or securities in respect of which an order is passed under sub-section (1) shall be published in such manner as may be prescribed by such rules.

(4) If at any time before the Commissioners become discharged under the provisions of this Act from liability in respect of any debenture or security the whole of which is alleged to have been lost, stolen or destroyed, such debenture or security is found, any order passed in respect thereof under this section shall be cancelled.

27G. *Issue of converted, etc., debentures and securities.*—(1) The Commissioners may, subject to such conditions as may be prescribed by rules made under section 27I, on the application of a person claiming to be entitled to any debenture or security or debentures or securities issued by the Commissioners under this Act, on being satisfied of the justice of the claim and on delivery of the debenture or security or debentures or securities receipted in the manner prescribed by such rules and on payment of such fees, if any, as may be so prescribed, convert, consolidate or sub-divide the debenture or security or debentures or securities and issue to the applicant a new debenture or security or debentures or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a debenture or security or debentures or securities of the same or different classes or of the same or different loans.

27H. *Discharge in certain cases.*—Notwithstanding anything contained in section 10 of the Indian Limitation Act, 1908 (IX of 1908),—

(*i*) on payment of the amount due on any debenture or security issued by the Commissioners under this Act on or after the date on which payment becomes due, or

(*ii*) when a duplicate debenture or security has been issued under section 27F, or

(*iii*) when a new debenture or security or debentures or securities has or have been issued upon conversion, consolidation or sub-division under section 27G,

the Commissioners shall be discharged from all liability in respect of the debenture or security or debentures or securities so paid or in place of which a duplicate or new debenture or security or debentures or securities has or have been issued—

(*a*) in the case of payment after the lapse of six years from the date on which payment was due;

(*b*) in the case of a duplicate debenture or security—after the lapse of six years from the date of the publication under sub-section (3) of section 27F of the list in which the debenture or security is first mentioned or from the date of the last payment of interest on the original debenture or security, whichever date is later;

(*c*) in the case of a new debenture or security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.

27I. *Power of Commissioners to make rules.*—(1) The Commissioners in meeting may from time to time make rules to provide for all or any of the following matters, namely:—

(*a*) the person, if any, authorised to sign, and the mode of affixing the corporate seal and of attestation of documents relating to the debentures and other securities issued by the Commissioners under this Act;

(*b*) the manner in which payment of interest in respect of such debentures or other securities is to be made and acknowledged;

(*c*) the circumstances and the manner in which such debentures and other securities may be renewed;

(*d*) the circumstnces in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed;

(*e*) the form in which the debentures or other securities delivered for renewal, conversion, consolidation or sub-division are to be receipted;

(*f*) the proof which is to be produced by persons applying for duplicate debentures or other securities;

(*g*) the form and manner of publication of the notification mentioned in sub-section (2) of section 27F and the manner of publication of the list mentioned in sub-section (3) of that section;

(*h*) the nature and amount of indemnity to be given by a person applying for the payment of interest on such debentures or other securities alleged to have been wholly or partly lost, stolen or destroyed or for the issue of duplicate debentures or other securities;

(*i*) the conditions subject to which such debentures or other securities may be converted, consolidated or sub-divided;

(*j*) generally all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided debentures or other securities, and

(*k*) the fees to be levied in respect of the issue of duplicate debentures or other securities and of the renewal, conversion, consolidation and sub-division of the debentures or other securities issued by the Commissioners under this Act.

(2) The Commissioners in meeting may from time to time repeal, alter or add to any rule made under this section.

(3) No rule or repeal or alteration of, or addition to, a rule shall have effect until the same shall have been approved by the Central Government and such approval shall have been published in the Official Gazette.

(4) No rule and no repeal or alteration of, or addition to, any rule shall be approved by the Central Government until the same shall have been published in three consecutive issues of the Official Gazette.

(5) It shall be lawful for the Central Government at any time by notification in the Official Gazette to cancel any rule published under the provisions of this section.

27J. *Limitation of claims against sinking fund trustees in respect of debentures.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908), no claim shall lie against the trustees of the sinking fund in respect of any debenture issued by the Commissioners under this Act after the lapse of six years from the earliest date on which demand could have been made for the payment of the amount due on such debenture.

27K. *Power of Commissioners to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, it shall be lawful for the Commissioners in meeting to borrow moneys by means of temporary overdraft or otherwise by pledging the debentures or other securities held by them in their reserve funds or on the security of their fixed deposits in their banks :

Provided that such temporary overdrafts or other loans—

(*a*) shall not at any time have a longer currency than six months, and

(*b*) shall not be taken without the previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act.

27L. *Power of the Commissioners to raise loans under the Local Authorities Loans Act, 1914.*—Nothing contained in this Act shall be deemed to affect the power of the Commissioners in meeting to raise loans under the Local Authorities Loans Act, 1914 (IX of 1914)."

82. *Amendment of section 30, Bengal Act III of 1890.*—In the proviso to sub-section (2) of section 30 of the Calcutta Act, for the words, figures, brackets and letters "section 31, except clauses (*g*) and (*h*) thereof, section 32 or section 33" the words and figures "section 32" shall be substituted.

83. *Amendment of section 30A, Bengal Act III of 1890.*—In clause (*ii*) of section 30A of the Calcutta Act, after the words "widows or dependant children" the words "or other surviving dependant relatives" shall be inserted.

125

84. *Amendment of section 31, Bengal Act III of 1890.*—In section 31 of the Calcutta Act,—

(1) in sub-section (1)—

(*a*) the word "and" at the end of clause (*g*) shall be omitted;

(*b*) after clause (*g*), the following clause shall be inserted, namely:—

"(*gg*) for authorising the payment of contributions to any welfare fund or funds or loan fund or funds which may be established by the Commissioners for the benefit of their officers and servants:

Provided that no such welfare fund or loan fund shall be established without the previous sanction of the Central Government and the maximum rate of annual contribution to any such welfare fund or loan fund and the maximum amount to which any such fund may be allowed to accumulate shall be fixed from time to time by the Central Government."

(*c*) after clause (*h*), the following clause shall be inserted, namely:—

"(*i*) for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the officers and servants of the Commissioners, their rights and their privileges, not covered by any of the foregoing clauses.";

(2) In sub-section (3)—

(*a*) for the words, brackets and letters "clauses (*a*) to (*e*) (both inclusive) and under clauses (*g*) and (*h*)" the word, brackets and figure "sub-section (1)" shall be substituted.

85. *Substitution of new section for section 32, Bengal Act III of 1890.*—For section 32 of the Calcutta Act, the following section shall be substituted, namely:—

"32. *Appointments, etc., by whom to be made.*—(1) Subject to the provisions of the Schedule, for the time being in force, sanctioned by the Commissioners under section 30 and of the rules framed under section 31 and also to the provisions of section 34, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of, the officers and servants of the Commissioners including the power of dispensing with the services of any such officer or servant otherwise than by reason of such officer's or servant's own misconduct, shall be exercised, in the case of officers and servants whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman or the Deputy Chairman, and in every other case, by the Commissioners in meeting.

(2) The Chairman may, upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section

in respect of the officers and servants of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to the post of Deputy Chairman or to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall for the purposes of this section be regarded as the head of a department."

86. *Amendment of section 32A, Bengal Act III of 1890.*—In section 32A of the Calcutta Act, for the words "shall be disposed of in such manner as the Commissioners may think fit" the words "shall be credited to any such welfare fund or funds as may be established by the Commissioners for the benefit of their officers and servants" shall be substituted.

87. *Repeal of section 33, Bengal Act III of 1890.*—Section 33 of the Calcutta Act is hereby repealed.

88. *Substitution of new section for section 34, Bengal Act III of 1890.*—For section 34 of the Calcutta Act, the following section shall be substituted, namely :—

"34. *Certain orders of Commissioners subject to previous sanction of Central Government.*—(1) Every order made by the Commissioners under section 30 or section 32, save where such order has been made in accordance with the rules, for the time being in force, framed under section 31, shall so far as the same relates to the Deputy Chairman or to any officer of the Commissioners whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Commissioners, otherwise than on the basis of payment of monthly salary, shall be deemed to be an officer whose maximum monthly salary exclusive of allowances is not less than one thousand rupees.'

89. *Amendment of section 35, Bengal Act III of 1890.*—To section 35 of the Calcutta Act, the following clause shall be added, namely :—

"(9) the sinking of tubewells and the equipment, maintenance and use of boats, barges and other appliances for the purpose of the supply of water to shipping at the port."

90. *Substitution of new section for section 38, Bengal Act III of 1890.*—For section 38 of the Calcutta Act, the following section shall be substituted, namely :—

"38. *Power to supersede the Commissioners.*—(1) If, at any time, it appears to the Central Government that the Commissioners are unable to perform, or have persistently made default in the performance of, the duties imposed on them by or under the provisions of this Act or of any other law, or have exceeded or abused their powers, or that any orders or directions lawfully made or given by the Central Government have not been or not likely to be carried out by the Commissioners, the Central

Government may, by notification in the Official Gazette, supersede the Commissioners for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable time to the Commissioners to show cause why the Commissioners should not be superseded and shall consider the explanations and objections, if any, of the Commissioners.

(2) Upon the publication of a notification under sub-section (1) superseding the Commissioners, the following consequences shall ensue :—

(*a*) all the Commissioners shall, as from the date of supersession, vacate their offices as such Commissioners ;

(*b*) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Commissioners, shall, until the Commissioners are reconstituted under clause (*b*) or clause (*c*) of sub-section (3), be exercised and performed by such person or persons as the Central Government may direct ;

(*c*) all property vested in the Commissioners shall until the Commissioners are reconstituted under clause (*b*) or clause (*c*) of sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(*a*) extend the period of supersession for such further term as it may consider necessary ; or

(*b*) reconstitute the Commissioners by fresh appointment and fresh election, and in such case any persons who vacated their offices under clause (*a*) of sub-section (2) shall not be deemed disqualified for appointment or election, as the case may be ; or

(*c*) by notification in the Official Gazette direct that the Commissioners shall be reconstituted by the persons who vacated their offices under clause (*a*) of sub-section (2) and shall recommence functioning as if the Commissioners had not been superseded :

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (*b*) or clause (*c*) of this sub-section."

91. *Repeal of section 39, Bengal Act III of 1890.*—Section 39 of the Calcutta Act is hereby repealed.

92. *Amendment of section 44, Bengal Act III of 1890.*—To sub-section (2) of section 44 of the Calcutta Act, the following shall be added, namely :—

"and shall, excepting such portion thereof as the Chairman may in any particular case direct, be open to the inspection also of the public at the office of the Commissioners during office hours on payment of such fee for each inspection as may from time to time be fixed by the Commissioners in meeting."

93. *Amendment of section 48, Bengal Act III of 1890.*—To section 48 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that no contract, under or by virtue of which a sum greater than two lakhs of rupees may in any event be payable by the Commissioners, shall be valid unless it has been made with the previous sanction of the Central Government."

94. *Amendment of section 49, Bengal Act III of 1890.*—In section 49 of the Calcutta Act, for the words "two thousand", the words "ten thousand" shall be substituted.

95. *Amendment of section 50, Bengal Act III of 1890.*—In section 50 of the Calcutta Act, for the words "one thousand", the words "ten thousand" shall be substituted.

96. *Amendment of section 51, Bengal Act III of 1890.*—To section 51 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that where the estimated cost of any new work has been approved by the Central Government, no expenditure which exceeds by more than ten per cent, the estimated cost so approved shall be incurred by the Commissioners without the previous approval of the Central Government."

97. *Amendment of section 52, Bengal Act III of 1890.*—To section 52 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Commissioners of a sum exceeding twenty-five thousand rupees."

98. *Amendment of section 53, Bengal Act III of 1890.*—In sub-section (1) of section 53 of the Calcutta Act, for the words "one thousand", the words "ten thousand" shall be substituted.

99. *Amendment of section 55, Bengal Act III of 1890.*—In the proviso to section 55 of the Calcutta Act, for the words "ten years", the words "thirty years" shall be substituted.

100. *Amendment of section 57, Bengal Act III of 1890.*—In section 57 of the Calcutta Act, for the words "shall be held upon trust for the purposes of this Act and not otherwise", the words "shall be held by the Commissioners in trust for the purposes of this Act" shall be substituted.

101. *Repeal of section 64, Bengal Act III of 1890.*—Section 64 of the Calcutta Act is hereby repealed.

102. *Insertion of new Part IV-A in Chapter IV of Bengal Act III of 1890.*—In Chapter IV of the Calcutta Act, after Part IV, the following Part shall be inserted, namely :—

"PART IV-A—DISPOSAL OF FUNDS.

68B. *Application of moneys belonging to the Commissioners.*—Subject to the provisions of section 36 of the Indian Ports Act, 1908 (XV

of 1908), the moneys belonging to the Commissioners shall be applied by them in payment of the following charges, namely :—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the Commissioners and to the officers and servants appointed under this Act;

(2) the contributions, if any, duly authorised to be made—

(*a*) to any provident fund established by the said officers and servants, or

(*b*) to such provident fund, if any, as may be established under section 30A, or

(*c*) to such welfare fund or funds or loan fund or funds, if any, as may be established by the Commissioners for the benefit of such officers and servants :

Provided that any contribution to a welfare fund established by the Commissioners for the benefit of such officers and servants drawing not less than three hundred rupees a month shall not exceed the amount accruing from the following sources, namely :—

(*i*) fines levied from such officers and servants;

(*ii*) unclaimed salaries of such officers and servants;

(*iii*) forfeiture of contributions to the provident fund established under section 30A;

(3) if any such provident fund or welfare fund or loan fund be established by the Commissioners, the cost and expenses, if any, which may be incurred by the Commissioners in the conduct and administration thereof;

(4) the cost of repairs and maintenance of the property vested in the Commissioners and all charges upon the same and all working expenses;

(5) the interest due on any money that may have been raised by the Commissioners under section 18 or section 22;

(6) the cost, or such portion of the cost of any new work, plant, vessel or appliance which the Commissioners may determine to charge to revenue;

(7) the payment of pensions, gratuities and compassionate allowances granted by the Commissioners to their officers and servants injured, or surviving relatives of their officers or servants killed, in the execution of their duty;

(8) the payment under clause (*ii*) of section 30A of bonuses to officers and servants appointed under this Act and to the widows or dependent children or other surviving dependent relatives of such of them as may die while still in the service of the Commissioners;

(9) any other charge for the purposes of this Act or for which the Commissioners may be legally liable :

Provided that the Commissioners shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Central Government, the moneys belonging to them in payment of any other charge not included in the foregoing clauses of this section."

130

103. *Insertion of new section 75A in Bengal Act III of 1890.*—After section 75 of the Calcutta Act, the following section shall be inserted, namely :—

"75A. *Capital expenditure.*—(1) No expenditure shall be charged by the Commissioners to capital without the previous sanction of the Central Government.

(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent of the expenditure so sanctioned."

104. *Amendment of section 76, Bengal Act III of 1890.*—For sub-section (2) of section 76 of the Calcutta Act, the following sub-section shall be substituted, namely :—

"(2) Within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of such report to the Central Government and to the Commissioners in meeting, and the Commissioners in meeting shall on receipt of such report cause the same to be deposited in the office of the Commissioners and to be published, together with an abstract of the accounts, in the Official Gazette."

105. *Insertion of new section 76A in Bengal Act III of 1890.*—After section 76 of the Calcutta Act, the following section shall be inserted, namely :—

"76A. *Commissioners to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Commissioners in meeting shall forthwith take into consideration any defects or irregularities that may be pointed out by the auditors in their report and shall pass such orders thereon as the Commissioners in meeting may think fit and shall also send a report of the action taken by the Commissioners to the Central Government.

(2) If there is a difference of opinion between the Commissioners and the auditors on any point included in the audit report and the Commissioners in meeting feel unable to accept the recommendations, if any, made by the auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Commissioners shall be bound to give effect to such orders."

106. *Amendment of section 79, Bengal Act III of 1890.*—In section 79 of the Calcutta Act, the words "not being a public department" shall be omitted.

107. *Insertion of new section 80A, in Part V of Chapter IV of Bengal Act III of 1890.*—In part V of Chapter IV of the Calcutta Act after section 80, the following section shall be inserted, namely :—

"80A. *Submission of accounts to the Central Government.*—(1) The Commissioners shall annually, or oftener, if directed by the Central Government so to do, submit statements of their receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of the such statements shall be open to the inspection of the public at the office of the Commissioners during office hours on payment of such fee for each inspection as may from time to time be fixed by the Commissioners in meeting."

108. *Amendment of section 90, Bengal Act III of 1890.*—Section 90 of the Calcutta Act shall be renumbered as sub-section (1) thereof, and—

(*a*) to the said sub-section, the following proviso shall be added, namely :—

"Provided also that it shall be lawful for the Commissioners in meeting in special cases to permit goods to be landed from, or shipped upon, any such sea-going vessel by persons other than the officers and servants or agents of the Commissioners."; and

(*b*) after the said sub-section as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), the Commissioners may maintain and use lighters for the purpose of landing and shipment of goods between sea-going vessels at the port and the docks, wharves, quays, stages, jetties or piers erected by them."

109. *Amendment of section 93, Bengal Act III of 1890.*—In section 93 of the Calcutta Act,—

(*a*) the words "to require the Conservator of the Port or other persons exercising the rights, powers and authorities of the Conservator of the Port" shall be omitted;

(*b*) the following proviso shall be added at the end, namely :—

"Provided that if the Commissioners are not the Conservator of the port, they shall not themselves make the order as aforesaid but shall require the Conservator of the Port, or other person exercising the rights, powers and authorities of the Conservator of the Port, to make such order."

110. *Amendment of section 94, Bengal Act III of 1890.*—In section 94 of the Calcutta Act, for the words "Conservator of the Port" the words "Commissioners or as the case may be, the Conservator of the Port" shall be substituted.

111. *Substitution of new section for section 95, Bengal Act III of 1890.*—For section 95 of the Calcutta Act, the following section shall be substituted, namely :—

"95. *Power to direct goods not to be landed from or shipped upon sea-going vessels save at docks, etc., erected by Commissioners.*—Without the express sanction of the Commissioners in meeting and except in accordance with the conditions which the Commissioners in meeting may by resolution, prescribe, no goods shall be landed or shipped from or upon any sea-going vessel within the port save at the docks, wharves, quays, stages, jetties or piers erected under this Act."

112. *Amendment of section 105, Bengal Act III of 1890.*—In section 105 of the Calcutta Act, for the words "any vessel or goods" the words, figures, brackets and letters "vessels or goods excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)" shall be substituted.

113. *Amendment of section 107, Bengal Act III of 1890.*—After sub-section (1) of section 107 of the Calcutta Act, the following sub-section shall be inserted, namely :—

"(1*a*) *Power to levy concessional rate of charges on coastal cargo.*—In framing scales under the foregoing provisions, the Commissioners in

meeting may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—In this section, the expression "Indian port" means any port on the Indian coast situate between the north-westernmost part of Saurashtra and the south-easternmost part of West Bengal including any port in the foreign settlements."

114. *Amendment of section 108, Bengal Act III of 1890.*—In section 108 of the Calcutta Act,—

(*a*) after the words "limits of the port" the words "or of the port approaches" shall be inserted;

(*b*) to the proviso, the following shall be added, namely:—

"or, according as the goods are landed or shipped within the limits of the port or of the port approaches."

115. *Insertion of new section 109A in Bengal Act III of 1890.*—After section 109 of the Calcutta Act, the following section shall be inserted, namely:—

"109A. *Power of Commissioners to remit tolls, etc.*—The Commissioners in meeting may, in special cases, for reasons to be recorded in writing, remit the whole or any portion of the tolls, dues, rates or charges leviable according to any scale for the time being in force under section 107 or section 109."

116. *Insertion of new section 119A in Bengal Act III of 1890.*—After section 119 of the Calcutta Act, the following section shall be inserted, namely:—

"119A. *Disposal of goods not removed from the premises of the Commissioners within time limited.*—(1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Commissioners upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Commissioners within one month from the date on which such goods were placed in their custody, the commissioners may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction:

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be so served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Commissioners.

(2) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Commissioners may, at any time after the expiration of two months from the date on which such goods were placed in their custody, sell the goods by public auction after giving notice of the sale in the manner prescribed in section 119.

(3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section."

117. *Amendment of section 120, Bengal Act III of 1890.*—In sub-section (1) of section 120 of the Calcutta Act, for the words "In every case of any such sale as aforesaid", the words, figures and letter "In the case of any sale under section 118 or section 119A" shall be substituted.

118. *Insertion of new section 122D in Part IX of Chapter IV of Bengal Act III of 1890.*—In Part IX of Chapter IV of the Calcutta Act, after section 122C, the following section shall be inserted, namely :—

"122D. *Alternative remedy by suit.*—Notwithstanding anything contained in section 111 and in sections 116 to 122 (both inclusive), the Commissioners may recover by suit any tolls, dues, rates, rents, charges, damages, expenses, costs or in case of sale, the balance thereof when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Commissioners under this Act or under any bye-laws made in pursuance thereof."

119. *Substitution of new section for section 123, Bengal Act III of 1890.*—For section 123 of the Calcutta Act, the following section shall be substituted, namely :—

"123. (1) *Moneys received by the Commissioners as Conservator of Port or as body appointed under section 36 of the Indian Ports Act,* 1908.—All moneys received by the Commissioners as the Conservator of the Port and of the Port approaches, or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), excluding all fees and all fines and penalties creditable to the pilotage account of the port under sub-section (*5a*) of that section shall be deemed to be a portion of the income of the Commissioners and shall be included in their annual estimates and accounts.

(2) *Powers, etc., of the Commissioners as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Commissioners as such Conservator or body, not being the works the cost of which is chargeable to the pilotage account of the port under sub-section (*5b*) of section 36 of the Indian Ports Act, 1908, and also to the sanction of such works, the estimates therefor and the expenditure thereunder."

120. *Repeal of section 124, Bengal Act III of 1890.*—Section 124 of the Calcutta Act is hereby repealed.

121. *Amendment of section 126, Bengal Act III of 1890.*—In sub-section (4) of section 126 of the Calcutta Act, for the words "in three consecutive numbers of the Official Gazette" the words "once in the Official Gazette and also in three successive issues of at least two of the principal local daily newspapers" shall be substituted.

122. *Insertion of new sections 134A and 134B in Chapter X of the Bengal Act III of 1890.*—In Chapter X of the Calcutta Act under the heading "Miscellaneous" before section 135, the following sections shall be inserted, namely :—

"134A. *Supply of reports, returns, etc., to the Central Government.*—The Chairman shall furnish to the Central Government such reports,

returns, documents or other information relating to the work of the Commissioners under this Act as may, from time to time, be called for by the Central Government.

134B. *Annual administration report of the port.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Commissioners shall submit to the Central Government a detailed report of the administration of the port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct."

123. *Substitution of new sections for section 136, Bengal Act III of 1890.*—For section 136 of the Calcutta Act, the following sections shall be substituted, namely :—

"136. *Persons employed under this Act to be public servants for certain purposes.*—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code.

136A. *Power to evict certain persons from the premises belonging to the Commissioners.*—(1) Notwithstanding anything contained in any other law, if the Commissioners, in exercise of the powers conferred on them by rules made under this Act, cancel the allotment of any premises made to any officer or servant of the Commissioners, the Commissioners may, by notice in writing, order such allottee or any other persons who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to them or a person appointed by them in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(*i*) the gardens, grounds and outhouses, if any, appertaining to such building or part of a building ;

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ; and

(*iii*) any furniture, books or other things belonging to the commissioners and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Commissioners, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Commissioners or a person appointed by them in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may served :—

(*a*) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises, or

(*b*) by affixing it on the outer door or some other conspicuous part of the premises, or

(*c*) by post."

124. *Insertion of new section 143 in Chapter X of the Bengal Act III of 1890.*—In Chapter X of the Calcutta Act, after section 142, the following section shall be inserted, namely :—

"143. *Application of certain provisions of the Act to aircraft.*—The provisions of sections 35, 89, 91, 97, 99 to 102 (both inclusive), 104, 104A, 105, 106, 121, 122, 126 and 135 shall apply in relation to all aircraft making use of the port while on water as they apply in relation to vessels."

CHAPTER IV

Amendment of Madras Act II of 1905

125. *Amendment of section 5, Madras Act II of 1905.*—In section 5 of the Madras Port Trust Act, 1905 (hereinafter in this Chapter referred to as the Madras Act),—

(*a*) in clause (6)—

(*i*) after the words "any vessel", the words "or any aircraft making use of the port" shall be inserted;

(*ii*) after the words "such vessel", the words "or such aircraft, as the case may be," shall be inserted;

(*iii*) the words "of the port" shall be added at the end.

(*b*) in clause (7), after the words "any vessel", the words "or any aircraft making use of the port" shall be inserted;

(*c*) after clause (11), the following clause shall be inserted, namely :—

"(11*a*) 'public securities' means—

(*a*) promissory notes, debentures, stock or other securities of the Central Government or of any State Government,

(*b*) debentures or other securities for money issued by or on behalf of any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India, and includes the Port Trust securities";

(*d*) in clause (13), after the word "conveyance", the word "principally" shall be inserted;

(*e*) the sentence commencing with the words "Any requirement in this Act" and ending with the words "Official Gazette of the Province" shall be omitted.

126. *Insertion of new section 5A in Chapter I of Madras Act II of 1905.*—In Chapter I of the Madras Act, after section 5, the following section shall be inserted, namely :—

"5A. *Requirements as to publication of notifications, orders, etc., in the Official Gazette.*—Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Board or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall—

(*a*) where it is issued or made by the Board, be published in the Official Gazette of the State, and

136

(*b*) where it is issued or made by the Central Government, be published in the *Gazette of India*."

127. *Substitution of new section for section 9, Madras Act II of 1905.*—For section 9 of the Madras Act, the following section shall be substituted, namely :—

"9. *Appointment of Trustees by the Central Government and publication of names of elected Trustees.*—(1) The Trustees other than the Chairman and those who are *ex-officio* Trustees or elected Trustees shall be appointed either by name or by virtue of office by the Cenertal Government by notification in the Official Gazette.

(2) The names of persons elected as Trustees shall be published by the Central Government in the Official Gazette."

128. *Amendment of section 10, Madras Act II of 1905.*—In section 10 of the Madras Act,—

(1) in sub-section (1),—

(*a*) for the words "No person shall be qualified to be a Trustee who", the following shall be substituted, namely :—

"A person shall be disqualified to be an elected Trustee or to be a Trustee appointed by name, if he";

(*b*) clause (*a*) shall be omitted;

(*c*) for clause (*b*), the following clause shall be substituted, namely :—

"(*b*) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed, unless the Central Government has by order removed the disqualification";

(*d*) in clause (*c*), the words "uncertificated bankrupt, or" shall be omitted;

(*e*) the proviso to clause (*d*) shall be omitted;

(*f*) to clause (*e*), the following shall be added, namely :—

"unless the Central Government has by order removed the disqualification;";

(*g*) in clause (*vi*), for the words "two thousand", the words "ten thousand" shall be substituted;

(2) in sub-section (2),—

(*a*) for the words "Any Trustee", the words "Any elected Trustee or any Trustee appointed by name" shall be substituted;

(*b*) at the end of clause (*c*), the word "or" shall be added; and

(*c*) after clause (*c*), the following clause shall be inserted, namely :—

"(*d*) acts in contravention of the provisions of section 23A,".

137

129. *Substitution of new section for section 11, Madras Act II of 1905.*— For section 11 of the Madras Act, the following section shall be substituted, namely.—

"11. *Term of office of Chairman and other Trustees.*—(1) The Chairman shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sections 10, 11A, 13, 13A and 20, an elected Trustee or a Trustee appointed by name shall hold office for a term of two years commencing on the first day of April next following the election or appointement, as the case may be, of such Trustee.

(3) Subject to the provisions of section 11A, a Trustee appointed by the Central Government by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise direct, continue to be a Trustee so long as he continues to hold that office.

(4) The term of office of every Trustee appointed by name or elected as such and holding office on the 1st day of April next following the commencement of the Port Trusts and Ports (Amendment) Act, 1950, shall be deemed to have expired on that day."

130. *Insertion of new sections 11A and 11B in Madras Act II of 1905.*— After section 11 of the Madras Act, the following sections shall be inserted, namely:—

"11A. *Resignation of Trustees.*—An elected Trustee or a Trustee appointed by the Central Government, whether by name or by virtue of an office, may at any time resign his office by giving notice in writing to the Central Government, and on such resignation being accepted by that Government, he shall cease to be a Trustee, and his office shall thereupon become vacant.

11B. *Filling of vacancies in the office of Trustees.*—(1) Every Vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the expiration of the term of office of such Trustee shall be filled by election or appointment, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a Trustee appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such Trustee or otherwise shall be filled by appointment within one month of the occurrence of such vacancy."

131. *Amendment of section 12, Madras Act II of 1905.*—In section 12 of the Madras Act, for the words "a Trustee", the words "an elected Trustee or a Trustee appointed by name" shall be substituted.

132. *Substitution of new sections for section 13, Madras Act II of 1905.*— For section 13 of the Madras Act, the following sections shall be substituted, namely:—

"13. *Filling of casual vacancies.*—Any casual vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the death or resignation of such Trustee or by virtue of the provisions of sub-section (2) of section 10, shall be filled within one month by election or appointment, as the case may be, in the manner hereinbefore provided:

Provided that the Trustee so elected or appointed shall retain his office so long only as the vacating Trustee would have retained the same if such vacancy had not occurred.

1238

13A. *Saving provision for appointment of Trustees after the prescribed period.*—Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a Trustee appointed by the Central Government either by name or by virtue of an office after the expiration of the period specified therefor in section 11B or section 13, as the case may be, if for any reason it has not been possible for the Central Government to make the appointment within the said period:

Provided that where a person is appointed a Trustee by name to fill any such vacancy as is referred to in section 11B after the expiration of the period specified therefor in that section, the term of office of such Trustee shall commence on the date on which his appointment is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment had been made within the period so specified."

133. *Substitution of new section for section 20, Madras Act II of 1905.*—For section 20 of the Madras Act, the following section shall be substituted, namely:—

"20. *Appointment of acting Trustees.*—(1) If an elected Trustee or a Trustee appointed by name departs from Madras with an intention of being absent for a longer period than three months, or if such a Trustee shall have been absent for such period, a person shall be elected or appointed, as the case may be, to act for such Trustee during his absence or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(2) Nothing in sub-section (1) shall prevent a person being elected or appointed for a period not longer than three months in the place of an absent Trustee, on the application of the Board if the absentee be an elected Trustee, or at the discretion of the Central Government if he be a Trustee appointed by name or by virtue of an office."

134. *Amendment of section 21, Madras Act II of 1905.*—In section 21 of the Madras Act, for the words "leave allowances or other allowances", the words "leave salary or allowances, if any," shall be substituted.

135. *Insertion of new sections 21A and 21B in Madras Act II of 1905.*—After section 21 of the Madras Act, the following sections shall be inserted, namely:—

"21A. *Pension for Chairman.*—It shall be lawful for the Central Government to fix the amount of pension, gratuity or compassionate allowance, if any, which shall be paid to the Chairman on his retirement from office and to determine the conditions under which the said pension, gratuity or compassionate allowance shall be so payable.

21B. *Permission to Chairman to join Provident Fund.*—Notwithstanding anything contained in this Act, it shall be lawful for the Central Government to permit the Chairman to join the Provident Fund established by the Board under clause (6) of section 28 for the benefit of the officers and servants appointed under this Act and to determine the conditions and restrictions upon and under which such permission may be given."

136. *Amendment of section 22, Madras Act II of 1905.*—In section 22 of the Madras Act,—

(*a*) after the words " the fees.", the words " if any " shall be inserted ;

(*b*) after the word " Chairman ", the words " or to any class of Trustees not including the Chairman " shall be inserted.

137. *Amendment of section 23, Madras Act II of 1905.*—In clause (1) of section 23 of the Madras Act,—

(*a*) to sub-clause (*g*), the following shall be added, namely :—

" and the said minutes, excepting such portion thereof as the Chairman may in any particular case direct, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board ;"

(*b*) in sub-clause (*i*), the words " and shall be published in the Official Gazette " shall be omitted.

138. *Amendment of section 26, Madras Act II of 1905.*—Clause (3) of section 26 of the Madras Act shall be omitted.

139. *Amendment of section 28, Madras Act II of 1905.*—In section 28 of the Madras Act,—

(*a*) after clause (6), the following clause shall be inserted, namely :—

" (6*a*) *Contributions to welfare fund.*—For authorising the payment of contributions to any welfare fund or funds which may be established by the Board for the benefit of the officers and servants appointed under this Act :

Provided that no such welfare fund shall be established without the previous sanction of the Central Government, and the maximum rate of annual contribution to any such welfare fund and the maximum amount to which any such welfare fund may be allowed to accumulate, shall be fixed from time to time by the Central Government ;"

(*b*) after clause (7), the following clause shall be inserted, namely :—

"(8) *Matters relating to terms and conditions of service not covered by other clauses.*—For regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the officers and servants of the Board, their rights and their privileges, not covered by any of the foregoing clauses.";

(*c*) for the word and figures " section 94 ", the words, brackets, figures and letters " sub-section (5*b*) of section 36 of the Indian Ports Act, 1908 (XV of 1908) " shall be substituted ;

(*d*) for the proviso, the following proviso shall be substituted, namely :—

" Provided that the regulations framed under this section shall not take effect unless and until they have been approved by the Central Government."

140. *Amendment of section 28A, Madras Act II of 1905.*—In section 28A of the Madras Act,—

(*a*) the words, brackets and figures "clauses (5) to (7) of" shall be omitted;

(*b*) for the word and figures "section 94" the words, brackets, figures and letters "sub-section (5b) of section 36 of the Indian Ports Act, 1908" shall be substituted.

141. *Substitution of new sections for section 29, Madras Act II of 1905.*—For section 29 of the Madras Act, the following sections shall be substituted, namely:—

"29. *Appointments, etc., by whom to be made.*—(1) Subject to the provisions of the Schedule, for the time being in force sanctionepd by the Board under section 27 and of the regulations and rules made by the Board under sections 28 and 92 and also to the provisions of section 30, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of, the officers and servants of the Board including the power of dispensing with the services of any such officer or servant otherwise than by reason of such officer's or servant's own misconduct shall be exercised, in the case of officers and servants whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman and in every other case, by the Board.

(2) The Chairman may upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the officers and servants of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall, for the purposes of this section, be regarded as the head of a department.

29A. *Disposal of fines realised under section* 29.—Notwithstanding anything contained in section 74, all fines realised under section 29 shall be credited to any such welfare fund or funds as may be established by the Board for the benefit of the officers and servants appointed under this Act."

142. *Substitution of new section for section 30, Madras Act II of 1905.*—For section 30 of the Madras Act, the following section shall be substituted, namely:—

"30. *Sanction of Central Government when necessary.*—(1) Every order made by the Board under section 27 or section 29, save where such order has been made in accordance with the regulations, for the time being in force, framed under section 28, shall, so far as the same relates to any officer of the Board whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

141

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Board otherwise than on the basis of payment of monthly salary shall be deemed to be an officer whose maximum monthly salary exclusive of allowances is not less than one thousand rupees."

143. *Amendment of section 32, Madras Act II of 1905.*—In the second proviso to section 32 of the Madras Act, for the words "ten years", the words "thirty years" shall be substituted.

144. *Amendment of section 38, Madras Act II of 1905.*—In section 38 of the Madras Act, after the words "restoration, completion, construction", the words "repair" shall be inserted.

145. *Insertion of new section 38A in Madras Act II of 1905.*—After section 38 of the Madras Act, the following section shall be inserted, namely :—

"38A. *Powers, etc., of the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act,* 1908.—All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), not being works the cost of which is chargeable to the pilotage account of the port under sub-section (5*b*) of that section, and also to the sanction of such works, the estimates therefor and the expenditure thereunder."

146. *Amendment of section 40, Madras Act II of 1905.*—In sub-section (2) of section 40 of the Madras Act, after the words "such loss" the words "or damage" shall be inserted.

147. *Amendment of section 42, Madras Act II of 1905.*—In clause (*e*) of section 42 of the Madras Act, the following shall be added at the end, namely :—

"excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)."

148. *Insertion of new section 43B in Madras Act II of 1905.*—After section 43A of the Madras Act, the following section shall be inserted, namely :—

"43B. *Power to levy concessional rate of charges on coastal cargo.*—In framing scales under any of the foregoing provisions of this Chapter, the Board may prescribe a lower rate of charges in respcet of cargo carried in a vessel from one Indian port to another.

Explanation.—In this section, the expression "Indian port" means any port on the Indian coast situate between the north-westernmost part of Saurashtra and the south-easternmost part of West Bengal including any port in the foreign settlements."

149. *Amendment of section 44, Madras Act II of 1905.*—In section 44 of the Madras Act,—

(*a*) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1*a*) *Power of Central Government to cancel scale of tolls, etc.*—It shall be competent for the Central Government at any time to cancel any of the scales framed under the foregoing provisions of this

142

chapter, or to call upon the Board to modify any portion of such scales, and thereupon the Board shall modify such scales accordingly.";

(*b*) in sub-section (2), for the words "with the previous sanction of the Central Government" the words "for reasons to be recorded in writing" shall be substituted.

150. *Substitution of new section for section 49, Madras Act II of 1905.*—For section 49 of the Madras Act, the following section shall be substituted, namely :—

"49. *Moneys received by the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—All moneys received by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908) excluding all fees and all fines and penalties creditable, to the pilotage account of the Port under sub-section (*5a*) of that section, shall be deemed to be a portion of the income of the Board and shall be included in its annual estimates and accounts."

151. *Insertion of new section 58A in Madras Act II of 1905.*—After section 58 of the Madras Act, the following section shall be inserted, namely :—

"58A. *Disposal of goods not removed from the premises of the Board within time limited.*—(1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in the custody of the Board, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction :

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be so served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Board.

(2) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may at any time after the expiration of two months from the date on which such goods were placed in the custody of the Board, sell the goods by public auction after giving notice of the sale in the manner specified in sections 57 and 58.

(3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section."

152. *Amendment of section 59, Madras Act II of 1905.*—In sub-section (1) of section 59 of the Madras Act, for the words "The proceeds of every such sale" the words, figures and letters "The proceeds of every sale under section 56 or section 58A" shall be substituted.

153. *Substitution of new sections for sections 64A and 64B, Madras Act II of 1905.*—For sections 64A and 64B of the Madras Act, the following sections shall be substituted, namely :—

"64A. *Right of survivors of joint or several payees of securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(*a*) when any Port Trust security is payable to two or more persons jointly and either or any of them dies, the Port Trust security shall be payable to the survivor or survivors of those persons, and

(*b*) when any such security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representatives of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913), or the Co-operative Societies Act, 1912 (II of 1912), or any other enactment for the time being in force, whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

64B. *Power of one of two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any Port Trust security, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such security, unless notice to the contrary has been given to the Board by any other of the holders.

64C. *Indorsements to be made on security itself.*—Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), no indorsement of a Port Trust security which is transferable by indorsement shall be valid unless made by the signature of the holder inscribed on the back of the security itself.

64D. *Indorser of security not liable for amount thereof.*—Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not by reason only of his having indorsed any Port Trust security be liable to pay any money due either as principal or as interest thereunder.

64E. *Impression of signature on securities.*—(1) The signature of the person authorised to sign Port Trust securities on behalf of the Board may be printed, engraved or lithographed, or impressed by such other mechanical process as the Board may direct on such securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

64F. *Issue of duplicate securities.*—(1) When any Port Trust security is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board, and on producing proof to its satisfaction of the loss, theft or destruction and of

the justice of the claim and on payment of the prescribed fee, if any, obtain from the Board an order for—

(*a*) the payment of interest in respect of the security said to be lost, stolen or destroyed pending the issue of a duplicate security ; and

(*b*) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss, theft or destruction.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner.

(4) If at any time before the Board becomes discharged under the provisions of this Act from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.

64G. *Issue of converted, etc., securities.*—(1) The Board may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Port Trust security or securities, on being satisfied of the justice of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same of different loans.

64H. *Discharge in certain cases.*—Notwithstanding anything in section 10 of the Indian Limitation Act, 1908 (IX of 1908)—

(*i*) on payment of the amount due on a Port Trust security on or after the date on which payment becomes due, or

(*ii*) when a duplicate security has been issued under section 64F, or

(*iii*) when a new security or securities has or have been issued upon conversion, consolidation or sub-division under section 64G,

the Board shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate or new security or securities has or have been issued—

(*a*) in the case of payment—after the lapse of six years from the date on which payment was due ;

(*b*) in the case of a duplicate security—after the lapse of six years from the date of the publication under sub-section (3) of section 64F of the list in which the security is first mentioned or from the date of the last payment of interest on the original security, whichever date is later ;

(*c*) in the case of a new security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.

64I. *Power to make rules.*—(1) The Board may from time to time make rules to provide for all or any of the following matters, namely :—

(*a*) the person, if any, authorised to sign, the mode of affixing the corporate seal and of attestation of documents relating to Port Trust securities ;

(*b*) the manner in which payment of interest in respect of Port Trust securities is to be made and acknowledged ;

(*c*) the circumstances and the manner in which Port Trust securities may be renewed ;

(*d*) the circumstances in which such securities must be renewed before further payment of interest thereon can be claimed ;

(*e*) the form in which securities delivered for renewal, conversion, consolidation or sub-division are to be receipted ;

(*f*) the proof which is to be produced by persons applying for duplicate securities ;

(*g*) the form and manner of publication of the notification mentioned in sub-section (2) of section 64F and the manner of publication of the list mentioned in sub-section (3) of that section ;

(*h*) the nature and amount of indemnity to be given by a person applying for the payment of interest on Port Trust securities alleged to have been wholly or partly lost, stolen or destroyed, or for the issue of duplicate Port Trust securities ;

(*i*) the conditions subject to which Port Trust securities may be converted, consolidated or sub-divided ;

(*j*) the amounts for which stock certificates may be issued ;

(*k*) generally, all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided securities ;

(*l*) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Port Trust securities.

(*m*) the fees to be levied in respect of the issue of stock certificates.

(2) The power to make rules under sub-section (1) is subject to the following conditions :—

(*a*) A draft of the rules shall be published in three consecutive issues of the Official Gazette.

(*b*) The same shall have no effect until approved by the Central Government after such publication and until such approval has also been published in the Official Gazette.

(*c*) It shall be lawful for the Central Government at any time by notification to cancel any rule published under the provisions of this section.

64J. *Limitation of claims against sinking fund trustees in respect of securities issued by the Board.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908), no claim shall lie against the trustees of the sinking fund in respect of any security issued by the Board after the lapse of six years from the earliest date on which demand could have been made for the payment of the amount due on such security ".

154. *Amendment of section 68, Madras Act II of 1905.*—In section 68 of the Madras Act, for the words " may apply any sums " the words " may, with the previous sanction of the Central Government, apply any sums out of moneys which may come into its hands under the provisions of this Act and " shall be substituted.

155. *Amendment of section 70, Madras Act II of 1905.*—In sub-section (1) of section 70 of the Madras Act, for the words " in securities of the Central Government or in Port Trust securities " the words " in public securities or in such other securities as the Central Government may approve in this behalf " shall be substituted.

156. *Amendment of section 71, Madras Act II of 1905.*—Section 71 of the Madras Act shall be renumbered as sub-section (1) thereof, and—

(*a*) in the said sub-section—

(*i*) for the words " current value " the words " current market value " shall be substituted ;

(*ii*) the words " unless the Central Government specifically sanctions a gradual readjustment " shall be added at the end ; and

(*b*) after the said sub-section as so renumbered, the following sub-section shall be inserted, namely :—

"(2) If the cash and the current market value of the securities at the credit of the sinking fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of this excess and the Board may, with the previous sanction of the Central Government,—

(*a*) withdraw the whole or any part of the certified excess, in which case the Trustees in whose names the sinking fund is invested under sub-section (1) of section 70 shall forthwith transfer securities of the requisite current market value, or cash and securities of the requisite current market value, to the Board ; or

(*b*) reduce or discontinue the half-yearly contributions to the sinking fund required under section 69 ; or

(*c*) adopt a combination of these measures."

157. *Insertion of new section 72A in Madras Act II of 1905.*—After section 72 of the Madras Act, the following section shall be inserted, namely :—

"72A. *Power of Board to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, it shall be lawful for the Board to borrow moneys by means of temporary overdraft or otherwise by pledging the securities held by the Board in its reserve funds or on the security of the fixed deposits of the Board in its banks :

Provided that such temporary overdrafts or other loans—

(*a*) shall not at any time have a longer currency than six months ; and

(*b*) shall not be taken without the previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act."

158. *Amendment of section 74, Madras Act II of 1905.*—In section 74 of the Madras Act,—

(*a*) for the words and figures "section 94" the words, brackets, figures and letters "sub-section (*5b*) of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be substituted;

(*b*) after clause (6), the following clauses shall be inserted, namely :—

"(*6a*) the payment of such sums as may from time to time be agreed upon by the Central Government and the State Government or by the Board and the State Government as a reasonable contribution on account of expenses in connection with the watch and ward functions of the harbour police and the police employed for guarding the docks, warehouses and other property of the Board;

(*6b*) any other charge which may on the application of the Board be specially sanctioned by the Central Government or for which the Board may be legally liable;".

159. *Amendment of section 74A, Madras Act II of 1905.*—In sub-section (2) of section 74A of the Madras Act, for the words "in the securities of the Central Government or in Port Trust Securities" the words "in public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted.

160. *Insertion of new sections 74B and 74C in Madras Act II of 1905.*—After section 74A of the Madras Act, the following sections shall be inserted, namely :—

"74B. *Board may invest in its own securities.*—(1) For the purposes of any investment which the Board is authorised to make by this Act, it shall be lawful for the Board to reserve and set apart any securities to be issued by it on account of any loan to which the consent of the Central Government has been given, provided that the intention to so reserve and set apart such securities shall have been notified as a condition to the issue of the loan.

(2) The issue of any such securities direct to, and in the name of "The Trustees of the Port of Madras", shall not operate to extinguish or cancel such securities, but every security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by the Board or the transfer, assignment or indorsement to the Trustees of the sinking fund or the Board, of any security issued by the Board, shall not operate to extinguish or cancel any such security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or indorsed to, any other person.

(4) All securities of the Board heretofore purchased by, issued, transferred or assigned to, or indorsed into the name of the Trustees of the Port of Madras, or any person on their behalf, and all securities heretofore issued by way of renewal, consolidation or sub-division of any such securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or indorsed to any other person.

74C. *Power to transfer moneys from the general account to the pilotage account and* vice versa.—The Board may, with the previous sanction of the Central Government, apply any sum out of the moneys

credited to the general account of the Port towards meeting deficits, if any, in the pilotage account of the Port maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908), or transfer the whole or any part of any surplus funds in such pilotage account to the general account of the Port."

161. *Amendment of section 75, Madras Act II of 1905.*—Section 75 of the Madras Act shall be renumbered as sub-section (1) thereof and to the said section as so renumbered, the following sub-section shall be added, namely :—

"(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent of the expenditure so sanctioned."

162. *Amendment of section 76, Madras Act II of 1905.*—In section 76 of the Madras Act,—

(*a*) for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted ;

(*b*) for the words "fifty thousand rupees" the words "one lakh of rupees" shall be substituted ;

(*c*) the following proviso shall be added at the end, namely :—

"Provided that where the estimated cost of any new work or appliance has been sanctioned by the Central Government, no expenditure which exceeds by more than ten per cent the estimated cost so sanctioned shall be incurred by the Board without the previous sanction of the Central Government."

163. *Insertion of new section 76A in Madras Act II of 1905.*—After section 76 of the Madras Act, the following section shall be inserted, namey :—

"76A. *Powers of Chairman as to execution of works.*—Notwithstanding anything contained in section 76, the Chairman may direct the execution of any work the cost of which does not exceed ten thousand rupees, and may enter into contracts for the execution of such works."

164. *Repeal of sections 77 and 78, Madras Act II of 1905.*—Sections 77 and 78 of the Madras Act are hereby repealed.

165. *Insertion of new section 80A in Madras Act II of 1905.*—After section 80 of the Madras Act, the following section shall be inserted, namely :—

"80A. *Board to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Board shall forthwith take into consideration any defects or irregularities that may be pointed out by the Auditors in their report and shall pass such orders thereon as the Board may think fit and shall also send a report of the action taken by the Board to the Central Government.

(2) If there is a difference of opinion between the Board and the Auditors on any point included in the audit report and the Board feels unable to accept the recommendation, if any, made by the Auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Board shall be bound to give effect to such orders."

149

166. *Amendment of section 82, Madras Act II of 1905.*—In section 82 of the Madras Act, for the words "in such form" the words "in such detail and form" shall be substituted.

167. *Insertion of new sections 86A, 86B and 86C in Madras Act II of 1905.*—After section 86 of the Madras Act, the following sections shall be inserted, namely :—

"86A. *Re-appropriation of amounts in estimate.*—Subject to any directions which the Central Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorised in an estimate for the time being in force, finally approved by the Central Government and which has not been so spent, may at any time be re-appropriated by the Board to meet any excess in any other expenditure authorised in the said estimate :

Provided that no such re-appropriation shall be made from one major head of expenditure to another such head without the previous sanction of the Central Government.

86B. *Submission of accounts to the Central Government.*—(1) The Board shall annually, or oftener if directed by the Central Government so to do, submit statements of its receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board.

86C. *No expenditure above five thousand rupees to be incurred unless sanctioned in estimate.*—(1) Subject to the provisions of section 86A, no sum exceeding five thousand rupees shall, save in cases of pressing emergency, be expended by, or on behalf of, the Board unless such sum is included in some estimate at the time in force which has been finally approved by the Central Government.

(2) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Central Government together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure."

168. *Amendment of section 87, Madras Act II of 1905.*—In the proviso to section 87 of the Madras Act, for the words "fifty thousand rupees" the words "one lakh of rupees" shall be substituted.

169. *Substitution of new section for section 88, Madras Act II of 1905.*—For section 88 of the Madras Act, the following section shall be substituted, namely :—

"88. *Power of Chairman as to contracts.*—The Chairman may, on behalf of the Board, enter into any contract or agreement whereof the value or amount shall not exceed ten thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the Chairman and by two other Trustees and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board."

170. *Amendment of section 89, Madras Act II of 1905.*—To section 89 of the Madras Act, the following provisio shall be added, namely :—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Board of a sum exceeding twenty-five thousand rupees."

171. *Amendment of section 90, Madras Act II of 1905.*—In section 90 of the Madras Act, the words "and all fees for pilotage shall be paid to the Board" shall be omitted.

172. *Repeal of sections 93 and 94, Madras Act II of 1905.*—Sections 93 and 94 of the Madras Act are hereby repealed.

173. *Substitution of new section for section 96, Madras Act II of 1905.*—For section 96 of the Madras Act, the following section shall be substituted, namely :—

"96. *Approval and publication of bye-laws.*—(1) No bye-law or alteration or revocation of a bye-law shall have effect until the same has been approved by the Central Government.

(2) No bye-law or alteration or revocation of a bye-law shall be approved by the Central Government until the same has been published once in the Official Gazette and also in three successive issues of at least two of the principal local daily newspapers."

174. *Substitution of new section for section 101, Madras Act II of 1905.*—For section 101 of the Madras Act, the following section shall be substituted, namely :—

"101. *Persons employed under this Act to be public servants for certain purposes.*—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code."

175. *Amendment of section 105, Madras Act II of 1905.*—In section 105 of the Madras Act, for the words "and the said sum shall, on the application of the Board," the following shall be substituted, namely :—

"or where any officer of the Board has, subject to such conditions as may be laid down by the Board, been generally or specially authorised by the Board in this behalf by such officer, and the said sum shall on application by or on behalf of the Board."

176. *Insertion of new section 109A in Madras Act II of 1905.*—After section 109 of the Madras Act, the following section shall be inserted, namely :—

"109A. *Application of certain provisions of the Act to aircraft.*—The provisions of sections 36, 39, 42, 43, 60, 61, 62, 95, 106, 107 and 111 shall apply in relation to all aircraft making use of the Port while on water as they apply in relation to vessels."

177. *Insertion of new sections 111A and 111B in Madras Act II of 1905.*—After section 111 of the Madras Act, the following sections shall be inserted, namely :—

"111A. *Power to evict certain persons from the premises of the Board.*—(1) Notwithstanding anything contained in any other law, if

the Board in exercise of the powers conferred on it by rules made under this Act cancels the allotment of any premises made to any officer or servant of the Board, the Board may, by notice in writing, order such allottee or any other person who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to the Board or a person appointed by the Board in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(*i*) the gardens, grounds and out-houses, if any appretaining to such building or part of a building;

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof; and

(*iii*) any furniture, books or other things belonging to the Board and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Board, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(*a*) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises, or

(*b*) by affixing it on the outer door or some other conspicuous part of the premises, or

(*c*) by post.

111B. *Annual administration report of the Port.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Board shall submit to the Central Government a detailed report of the administration of the Port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct."

178. *Amendment of section 112, Madras Act II of 1905.*—In section 112 of the Madras Act, for the words "as may be called for by the Central Government for the purposes of this Act" the words "relating to the work of the Board under this Act as may, from time to time, be called for by the Central Government" shall be substituted.

179. *Substitution of new section for section 113, Madras Act II of 1905.*—For section 113 of the Madras Act, the following section shall be substituted, namely :—

"113. *Power to supersede the Board.*—(1) If, at any time, it appears to the Central Government that the Board is unable to perform, or has persistently made default in the performance of, the duties imposed on

it by or under the provisions of this Act or of any other law, or has exceeded or abused its powers or that any orders or directions lawfully made or given by the Central Government have not been or are not likely to be carried out by the Board, the Central Government may, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable time to the Board to show cause why the Board should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board the following consequences shall ensue :—

(*a*) all the Trustees shall, as from the date of supersession, vacate their offices as such Trustees ;

(*b*) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Board, shall until the Board is reconstituted under clause (*b*) or clause (*c*) of sub-section (3) be exercised and performed by such person or persons as the Central Government may direct ;

(*c*) all property vested in the Board shall, until the Board is reconstituted under clause (*b*) or clause (*c*) of sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(*a*) extend the period of supersession for such further term as they may consider necessary, or

(*b*) reconstitute the Board by fresh appointment and fresh election, and in such case, any persons who vacated their office under clause (*a*) of sub-section (2) shall not be deemed disqualified for appointment or election, as the case may be, or

(*c*) by notification in the Official Gazette direct that the Board shall be reconstituted by the persons who vacated their offices under clause (*a*) of sub-section (2) and shall recommence functioning as if the Board had not been superseded :

Provided that the Central Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (*b*) or clause (*c*) of this sub-section."

CHAPTER V

AMENDMENT OF ACT XV OF 1908

180. *Amendment of section 3, Act XV of 1908.*—In section 3 of the Indian Ports Act, 1908 (hereinafter in this Chapter referred to as the Ports Act),—

(*a*) in clause (2),—

(*i*) after the words "any vessel" the words "or any aircraft making use of any port" shall be inserted ;

(*ii*) after the words "harbour master," the words "of the port" shall be inserted,

(*iii*) the words "or the aircraft, as the case may be" shall be added at the end.

(*b*) in clause (7), after the word "conveyance" the word "principally" shall be inserted.

181. *Amendment of section 6, Act XV of 1908.*—In clause (*k*) of sub-section (1) of section 6 of the Ports Act, for the words "passenger vessels" the word "vessels" shall be substituted.

182. *Amendment of section 35, Act XV of 1908.*—To section 35 of the Ports Act, the following sub-section shall be added, namely :—

"(3) The Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (1) or sub-section (2)."

183. *Amendment of section 36, Act XV of 1908.*—In section 36 of the Ports Act,—

(1) to sub-section (2), the following proviso shall be added, namely :—

"Provided that the port fund account for any port may, if so authorised under the provisions of any Act relating to such port, be merged with the general account of that port, and in such a case, the provisions of sub-section (6) shall not apply and the provisions of sub-sections (4) and (5) shall have effect as if the words "the port fund account of the port" therein, the words "the general account of the port" had been substituted."

(2) for clause (*a*) of sub-section (4), the following clause shall be substituted, namely :—

"(*a*) fines other than those creditable to the pilotage account of the port under sub-section (*5a*);";

(3) after sub-section (*5*), the following sub-sections shall be inserted, namely :—

"(*5a*) All fees charged for pilotage at any port subject to this Act and all fines and penalties levied under the Act or under any other Act relating to the port from pilots or other persons employed in the pilot service other than fines and penalties imposed by a court, shall be credited to a distinct account to be called the pilotage account of the port.

(*5b*) All sums so credited to the pilotage account may be applied, in such proportions as the Government may from time to time direct, to the following purposes, namely :—

(*a*) the purchase and maintenance in repair of such vessels and the supply of such materials, stores or other things as the officer or body appointed under sub-section (1) may deem it necessary to purchase, maintain or supply for the efficiency of the pilot service ;

(*b*) the payment of the salaries, wages and allowances of pilots and other persons employed in the pilot service or in the supervision thereof ;

154

(*c*) the payment of pensions, retiring gratuities, compassionate allowances or bonuses to pilots and other persons engaged in the pilot service, and of the contributions, if any, duly authorised to be made in their behalf to any provident fund or welfare fund;

(*d*) the payment of pensions, gratuities and compassionate allowances granted by the officer or body appointed under sub-section (1) to pilots and other persons engaged in the pilot service who have been injured in the execution of their duty and to the surviving relatives of pilots and other persons so engaged who have been killed in the execution of their duty or who may die while still in the service of such officer or body;

(*e*) the provision of educational, recreational and other amenities for pilots and other persons employed in the pilot service;

(*f*) the payment of contributions or appropriations to any special fund or funds established under the provisions of any other Act relating to the port to which the officer or body appointed under sub-section (1) considers contributions or appropriations should be made from the pilotage account;

(*g*) any other expenditure which may, with the previous sanction of the Government, be incurred in respect of the pilot service;

(5*c*) If the officer or body appointed under sub-section (1) at any port is also the authority responsible for maintaining the general account of the port, then notwithstanding the absence of any provision in that behalf in the Act under which such general account is maintained, such officer or body may, with the previous sanction of the Government, apply any sum out of the moneys credited to such general account towards meeting deficits, if any, in the pilotage account of the port, or transfer the whole or any part of any surplus funds, in the pilotage account to the general account of the port";

(4) in sub-section (6), after the words "port fund account" the words "or of a pilotage account" shall be inserted.

184. *Insertion of new section 68C in Act XV of 1905.*—After section 68B of the Ports Act, the following section shall be inserted, namely:—

"68C. *Application of certain provisions of the Act to aircraft.*—(1) The provisions of sections 6, 13 to 16 (both inclusive), 18, 21 and 28, sub-section (2) of section 31 and sections 33, 34, 35, 39, 42 to 48 (both inclusive) and 55 shall apply in relation to all aircraft making use of any port subject to this Act, while on water as they apply in relation to vessels.

(2) No such aircraft shall enter or leave any port subject to this Act, except with the permission granted by the Conservator of the Port or by such other officer as may be authorised in this behalf by the Conservator."

155

CHAPTER VI

AMENDMENT OF ACT XXXIII OF 1948

185. *Substitution of new section 7, Act XXXIII of 1948.*—For section 7 of the Calcutta Port (Pilotage) Act, 1948 (hereinafter in this Chapter referred to as the Pilotage Act), the following section shall be substituted, namely :—

"7. *Pilotage fees and fines and penalties levied under the Act.*—All fees for pilotage and all fines and penalties levied under this Act from pilots or other persons employed in the pilot service, except fines and penalties imposed by a court, shall be accounted for and expended by the Commissioners in accordance with the provisions of section 36 of the Indian Ports Act, 1908 (XV of 1908)."

186. *Repeal of section 8, Act XXXIII of 1948.*—Section 8 of the Pilotage Act is hereby repealed.

187. *Amendment of section 9, Act XXXIII of 1948.*—In section 9 of the Pilotage Act,—

(*a*) after the words "to apply" the words "any sum out of" shall be inserted;

(*b*) after the words "pilotage account" the words, figures, brackets and letters "maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be inserted;

(*c*) for the words "part of the surplus funds in the pilotage account" the words "any part of any surplus funds in such pilotage account" shall be substituted.

188. *Substitution of new section for section 10, Act XXXIII of 1948.*—For section 10 of the Pilotage Act, the following section shall be substituted, namely :—

"10. *Application of certain provisions of Bengal Act III of 1890.*—Sections 18, 19, 24B, 29 to 34 (both inclusive), 47 to 54 (both inclusive), 55, 57, 58 and 69 to 80A (both inclusive) of the Calcutta Port Act, 1890 (Bengal Act III of 1890) are hereby incorporated in this Act subject to the following modifications, namely :—

(*a*) that the references in the said sections to the Calcutta Port Act, 1890 shall be taken as references to this Act;

(*b*) that the clause (*b*) of section 19, for the words "the tolls, dues, rates, rents and charges" the words "the pilotage fees" shall be substituted,

(*c*) that the proviso to sub-section (2) of section 30 shall be omitted;

(*d*) that in sub-section (1) of section 34, the words "the Deputy Chairman or to" shall be omitted;

(*e*) that sub-section (2) of section 34 shall be omitted."

156

STATEMENT OF OBJECTS AND REASONS.

Prior to the 1919 Reforms, both major and minor ports were being administered by the various Local Governments concerned under Local Acts. After the 1919 Reforms, the Centre became constitutionally responsible for the major ports, but the Central Government did not actually take over the administrative control of the major ports of Bombay, Calcutta and Madras from the Provincial Governments concerned till the 1st April, 1937, when the Government of India (Adaptation of Indian Laws) Order, 1937, which made the necessary adaptations to the relevant Provincial Acts to enable the Centre to discharge its functions in relation to these major ports, came into operation.

2. The Acts applicable to the present administration of the major ports of Bombay, Calcutta and Madras are thus very old, their origin in the case of Calcutta and Bombay dating back to the last century. Because of this, and also because they were originally enacted by different local Governments who were then in the administrative control of these ports, these Acts contain many provisions which are dissimilar in nature and scope, are difficult to interpret and give rise to certain administrative anomalies Besides, a number of lacunae have been noticed in the provisions of these Acts in the light of their working during the past, and these also require rectification. The objects of the Bill are to remove these lacunae, introduce such uniformity as is possible without unnecessary disturbance of the *status quo*, effect a considerable degree of decentralisation of authority in the matter of day-to-day administration, and introduce a greater measure of Central control and supervision in matters of policy. Opportunity is also being taken to effect certain improvements in the Indian Ports Act, 1908, which applies not only to major ports but also to 'minor' ports which now fall in the concurrent field of legislation, and to effect certain consequential amendments to the Calcutta Port (Pilotage) Act, 1948.

3. The question has been examined whether instead of revising the existing Port Trust Acts relating to the ports of Madras, Bombay and Calcutta, a single Major Ports Act should not be enacted in their place. It has been decided not to adopt this course in view of th fact that conditions differ greatly at these ports.

NEW DELHI;
The 26th May, 1950.

N. GOPALASWAMI

BILL NO. 45 OF 1950

A Bill to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.

2. *Amendment of section 1, Act XLVII of 1948.*—In sub-section (2) of section 1 of the Displaced Persons (Institution of Suits) Act, 1948 (hereinafter referred to as the said Act), for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

3. *Amendment of section 2, Act XLVII of 1948.*—In section 2 of the said Act, for the words "for a period of three years only" the words, figures and letters "only up to the 31st day of March, 1952" shall be substituted.

4. *Substitution of new section for section 8 in Act XLVII of 1948.*—For section 8 of the said Act, the following section shall be substituted, namely :—

"8. *Extension of period of limitation.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person, whether in pursuance of section 4 or otherwise, in respect of which the period of limitation expires or has expired after the 14th day of August, 1947, may be instituted at any time before the date of expiry of this Act :

Provided that the cause of action in respect of such suit or other legal proceedings arises or has arisen in a place now situate in the territories of Pakistan."

5. *Amendment of section 1, Act XXV of 1949.*—In sub-section (2) of section 1 of the Displaced Persons (Legal Proceedings) Act, 1949, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

6. *Amendment of section 8, Act XXV of 1949.*—Section 8 of the Displaced Persons (Legal Proceedings) Act, 1949, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) In particular and without prejudice to the generality of the foregoing provision, the expiry of this Act shall not affect the power of a court to grant any relief specified in section 4 in any suit or other legal proceeding, in respect of which the period of limitation has been extended under section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and such relief may be granted as if this Act had not expired."

7. *Repeal and savings.*—(1) If immediately before the commencement of this Act, there is in force in any of the Part B States any law corresponding to the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), or the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949), such corresponding law is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Displaced Persons (Institution of Suits) Act, 1948, or the Displaced Persons (Legal Proceedings) Act, 1949, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

159

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to extend the period of limitation in respect of suits or other proceedings to be filed by displaced persons including displaced banks so that they may institute such suit or other legal proceeding at any time before the 31st March, 1952, although the period of limitation may have expired after the 14th August, 1947.

If, however, a suit or proceeding is instituted against any displaced person, such displaced debtor should have all the relief to which he would be entitled under the Displaced persons (Legal Proceedings) Act, 1949, although the decree may be passed after the expiry of that Act. To achieve these two objects the two Acts, the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949, are being amended.

AJIT PRASAD JAIN

NEW DELHI;
The 26th July, 1950.

BILL NO. 46 OF 1950

A Bill to amend the Administration of Evacuee Property Act, 1950.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1950.

2. *Substitution of new section for section 58, Act XXXI of 1950.*—For section 58 of the Administration of Evacuee Property Act, 1950, the following section shall be substituted and shall be deemed always to have been substituted, namely:—

"58. *Repeals and savings.*—(1) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), and the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F), are hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law corresponding to this Act, that corresponding law shall stand repealed.

(3) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), or the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F) or of any corresponding law shall not affect the previous operation of that Ordinance, Regulation or corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken."

160

STATEMENT OF OBJECTS AND REASONS.

Prior to the 26th January, 1950—the date of coming into force of the new Constitution—Parliament had no powers to legislate for Hyderabad State and, consequently, the Administration of Evacuee Property Ordinance No. XXVII of 1949 was not made applicable to that State. The State Government promulgated in December, 1949 a Regulation for the administration of evacuee property on, practically, the same lines as the Central Ordinance. After the coming into force of the new Constitution, Parliament passed in April, 1950 the Administration of Evacuee Property Act No. XXXI of 1950. This Act extends to the whole of India (including Hyderabad State), except the States of Assam, West Bengal, Tripura, Manipur, and Jammu and Kashmir. Unfortunately, due to an inadvertent omission, no provision was made in the Act of Parliament repealing the pervious Hyderabad Regulation relating to the administration of evacuee property, or saving the actions taken thereunder. The Administration of Evacuee Property (Amendment) Bill, 1950, seeks to rectify the anomaly so as to extend the scope of section 58 of the Administration of Evacuee Property Act No. XXXI of 1950 to include the Hyderabad Regulation with retrospective effect from the date of the commencement of the Act. The effect of the amendment would be formally to repeal the Hyderabad Regulation and save all actions taken thereunder.

AJIT PRASAD JAIN

NEW DELHI;
The July, 1950.

M. N. KAUL,
Secretary.

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